



# Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Eleventh Meeting Day

Tuesday Morning

January 29, 2008

The House convened at 9:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for guidance and insight (printed January 8, 2008).

The Pledge of Allegiance to the Flag was led by Representative John D. Ulmer.

The Speaker ordered the roll of the House to be called:

Austin	Hinkle
Avery	Hoy
Bardon	Kersey
Bartlett	Klinker
Battles	Knollman
Behning	Koch
Bell	L. Lawson
Bischoff	Lehe
Blanton	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cherry	Oxley
Cochran	Pelath
Crawford	Pflum
Crooks	Pierce
Crouch	Pond
Davis	Porter
Day	Reske
Dembowski	Richardson <input type="checkbox"/>
Dermody	Ripley <input type="checkbox"/>
Dobis	Robertson
Dodge	Ruppel <input type="checkbox"/>
Duncan	Saunders
Dvorak	Simms
Eberhart	M. Smith
Elrod	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry <input type="checkbox"/>	Stilwell
GiaQuinta	Stutzman
Goodin	Summers
Grubb	Thomas <input type="checkbox"/>
Gutwein	Thompson
E. Harris	Tincher
T. Harris	Torr
Herrell	Turner

Tyler  
Ulmer  
VanDenburgh  
VanHaaften

Walorski  
Welch  
Wolkins  
Mr. Speaker

Roll Call 68: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 30, 2008, at 9:30 a.m.

GIA QUINTA

The motion was adopted by a constitutional majority.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1013

Representative Kersey called down Engrossed House Bill 1013 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 82, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul, Weatherwax, Skinner, and Becker.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

### Engrossed House Bill 1017

Representative Koch called down Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Simpson.

Representative Richardson, who had been excused, was present.

### Engrossed House Bill 1051

Representative Crooks called down Engrossed House Bill 1051 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Hume.

Representative Ripley, who had been excused, was present.

### **Engrossed House Bill 1061**

Representative Day called down Engrossed House Bill 1061 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Espich was excused from voting, pursuant to House Rule 46. Roll Call 72: yeas 83, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

Representative Fry, who had been excused, was present.

### **Engrossed House Bill 1052**

Representative Neese called down Engrossed House Bill 1052 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Riegsecker.

### **Engrossed House Bill 1062**

Representative Day called down Engrossed House Bill 1062 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele, Tallian, and Waltz.

### **Engrossed House Bill 1065**

Representative Saunders called down Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Paul, and Lewis.

### **Engrossed House Bill 1071**

Representative Grubb called down Engrossed House Bill 1071 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Skinner.

### **Engrossed House Bill 1083**

Representative Kersey called down Engrossed House Bill 1083 for third reading:

A BILL FOR AN ACT concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Skinner.

### **Engrossed House Bill 1090**

Representative Dvorak called down Engrossed House Bill 1090 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 50, nays 47. The bill failed for lack of a constitutional majority.

Representative Pelath was excused.

### **Engrossed House Bill 1111**

Representative Foley called down Engrossed House Bill 1111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Broden.

### **Engrossed House Bill 1112**

Representative Micon called down Engrossed House Bill 1112 for third reading:

A BILL FOR AN ACT concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Tallian.

**Engrossed House Bill 1114**

Representative Dembowski called down Engrossed House Bill 1114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

**Engrossed House Bill 1117**

Representative Stilwell called down Engrossed House Bill 1117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 81, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and R. Young.

**Engrossed House Bill 1119**

Representative Austin called down Engrossed House Bill 1119 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax, Landske, and Lanane.

**Engrossed House Bill 1124**

Representative Goodin called down Engrossed House Bill 1124 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks and Lewis.

**Engrossed House Bill 1125**

Representative Goodin called down Engrossed House Bill 1125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 88, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

**Engrossed House Bill 1129**

Representative Pierce called down Engrossed House Bill 1129 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and R. Young.

**Engrossed House Bill 1137**

Representative GiaQuinta called down Engrossed House Bill 1137 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Broden, and Arnold.

Representative Pelath, who had been excused, was present. Representative Bartlett was excused.

**Engrossed House Bill 1144**

Representative Pelath called down Engrossed House Bill 1144 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Arnold.

Representative Pelath was excused.

**Engrossed House Bill 1156**

Representative Tyler called down Engrossed House Bill 1156 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

**Engrossed House Bill 1159**

Representative Welch called down Engrossed House Bill 1159 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Broden.

#### **Engrossed House Bill 1164**

Representative Herrell called down Engrossed House Bill 1164 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 91: yeas 88, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Lewis.

Representative Pelath, who had been excused, was present.

#### **Engrossed House Bill 1165**

Representative Avery called down Engrossed House Bill 1165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 92: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, C. Lawson, Sipes, and Delph.

Representative Bartlett, who had been excused, was present.

#### **Engrossed House Bill 1169**

Representative Orentlicher called down Engrossed House Bill 1169 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 93: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Dillon.

#### **Engrossed House Bill 1171**

Representative Summers called down Engrossed House Bill 1171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 94: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Sipes, Dillon, and Errington.

#### **Engrossed House Bill 1172**

Representative Welch called down Engrossed House Bill 1172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 95: yeas 81, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Mishler and Broden.

The House recessed until the fall of the gavel.

### **RECESS**

The House reconvened at 3:40 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 96: 74 present.

### **ENGROSSED HOUSE BILLS ON THIRD READING**

#### **Engrossed House Bill 1034**

Representative V. Smith called down Engrossed House Bill 1034 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 72, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Tallian, and Rogers.

#### **Engrossed House Bill 1047**

Representative Dembowski called down Engrossed House Bill 1047 for third reading:

A BILL FOR AN ACT concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 54, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Broden.

#### **Engrossed House Bill 1118**

Representative VanHaaften called down Engrossed House Bill 1118 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Murphy and M. Smith were excused from voting, pursuant to House Rule 46. Roll Call 99: yeas 73, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform

the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and Becker.

With consent of the members, the Speaker returned to House Bills on second reading.

## HOUSE BILLS ON SECOND READING

### House Bill 1036

Representative Ulmer called down House Bill 1036 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1036-3)

Mr. Speaker: I move that House Bill 1036 be amended to read as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 9-25-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. (a) If a person is convicted of or has a judgment entered against the person for a moving traffic offense in violation of:**

- (1) IC 9-21-5;
- (2) IC 9-21-6;
- (3) IC 9-21-7;
- (4) IC 9-21-8;
- (5) IC 9-21-9;
- (6) IC 9-21-10;
- (7) IC 9-21-12;
- (8) IC 9-21-13; or
- (9) IC 9-21-14;

**the court shall require the person to show proof to the bureau that financial responsibility was in force on the date of the violation in the same manner as required for an operator of a motor vehicle involved in an accident under IC 9-26-1.**

**(b) If a person fails to provide proof of financial responsibility as required by subsection (a), the court shall do the following:**

- (1) Suspend the person's current driving license or vehicle registration, or both.
- (2) Order the person to surrender immediately the person's current driving license or vehicle registration to the court.

**(c) A suspension under this section is subject to the same provisions concerning procedure for suspension, duration of suspension, and reinstatement applicable to other suspensions under this chapter."**

Page 2, line 2, delete "June 30, 2008." and insert **"December 31, 2009."**

Page 2, line 6, after "shall" insert **", not later than January 1, 2010,"**.

Page 2, line 30, after "on which the" insert **"judgment or"**.

Page 4, after line 8, begin a new paragraph and insert:

**"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The bureau of motor vehicles shall, not later than June 30, 2008:**

- (1) amend a form used on April 1, 2008, by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-26-1; or
- (2) establish a new form;

**for use by an operator of a motor vehicle to show proof of financial responsibility as required under IC 9-25-5-1.5, as added by this act.**

**(b) This SECTION expires December 31, 2008.**

**SECTION 7. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1036 as printed January 25, 2008.)

ULMER

Upon request of Representatives T. Brown and Ulmer, the

Speaker ordered the roll of the House to be called. Roll Call 100: yeas 80, nays 13. Motion prevailed. The bill was ordered engrossed.

### House Bill 1042

Representative Goodin called down House Bill 1042 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1042-2)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 2, line 10, delete "if:" and insert **"if the materials, products or services are entirely without redeeming social value and:"**.

(Reference is to HB 1042 as printed January 25, 2008.)

L. LAWSON

Motion prevailed.

#### HOUSE MOTION (Amendment 1042-1)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 1, delete lines 12 through 17, begin a new paragraph and insert:

**"Sec. 2. (a) As used in this section, "local officials of the county" refer to all of the following:**

- (1) The county executive.
- (2) If a business described in section 1 of this chapter intends to locate in a municipality, the executive of the municipality.
- (3) All local zoning boards that have jurisdiction in the county.

**(b) After receiving a registration described in section 1 of this chapter, the secretary of state shall notify the local officials of the county in which an entity described in section 1 of this chapter intends to sell sexually explicit materials, products, or services of the registration filed under section 1 of this chapter."**

Page 2, delete line 1.

(Reference is to HB 1042 as printed January 25, 2008.)

STUTZMAN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1097

Representative Hoy called down House Bill 1097 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1097-1)

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 8, line 26, delete "a policy of " and insert **"the following:**

- (A) Accident only, credit, Medicare supplement, long term care, or disability income insurance.
- (B) Coverage issued as a supplement to liability insurance.
- (C) Automobile medical payment insurance.
- (D) A specified disease policy.
- (E) A short term insurance plan that:
  - (i) may not be renewed; and
  - (ii) has a duration of not more than six (6) months.
- (F) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:
  - (i) hospital confinement, critical illness, or intensive care; or
  - (ii) gaps for deductibles or copayments.
- (G) Worker's compensation or similar insurance.

**(H) A student health plan.**

**(I) A supplemental plan that always pays in addition to other coverage.**

**(J) An employer sponsored health benefit plan that is:**

**(i) provided to individuals who are eligible for Medicare; and**

**(ii) not marketed as, or held out to be, a Medicare supplement policy."**

Page 8, delete lines 27 through 28.

(Reference is to HB 1097 as printed January 25, 2008.)

HOY

Motion prevailed. The bill was ordered engrossed.

## House Bill 1101

Representative Crooks called down House Bill 1101 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1101-1)

Mr. Speaker: I move that House Bill 1101 be amended to read as follows:

Page 2, line 4, delete "three hundred" and insert "**five hundred (500)**".

Page 2, line 5, delete "fifty (350)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1101 as printed January 25, 2008.)

SAUNDERS

Motion prevailed.

### HOUSE MOTION (Amendment 1101-2)

Mr. Speaker: I move that House Bill 1101 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 8-1-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) The commission shall keep itself informed of all new construction, extensions and additions to the property of such public utility and shall prescribe the necessary forms, regulations and instructions to the officers and employees of such public utility for the keeping of construction accounts which shall clearly distinguish all operating expenses and new construction. Unless a public utility shall obtain the approval by the commission of any expenditure exceeding ten thousand dollars (\$10,000) for an extension, construction, addition or improvement of its plant and equipment, the commission shall not, in any proceeding involving the rates of such utility, consider the property acquired by such expenditures as a part of the rate base, unless in such proceeding the **public** utility shall show that such property is in fact used and useful in the public service; provided, that the commission in its discretion may authorize the expenditure for such purpose of a less amount than shown in such estimate.

(b) For purposes of subsection (a), the construction, addition, extension, or improvement of a public utility's plant or equipment to provide electric or gas service to a customer that produces biodiesel, ethanol, or any other biofuel is in fact used and useful in the public service.

(c) This subsection applies to a public utility's general rate proceeding that immediately follows the public utility's investment in a construction, an addition, an extension, or an improvement described in subsection (b). The public utility may accrue for recovery in the rate proceeding a return on the public utility's investment, beginning on the date the public utility initially records the investment in the public utility's books or records, as determined by the commission,

at the rate of return authorized by the commission in the public utility's general rate proceeding immediately preceding the investment.

SECTION 3. IC 8-1-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

### Chapter 35. Renewable Energy Development

Sec. 1. As used in this chapter, "electricity supplier" means a public utility that furnishes retail electric service to the public. The term does not include a public utility that is:

- (1) a corporation organized under IC 8-1-13;
- (2) a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13; or
- (3) a municipally owned utility (as defined in IC 8-1-2-1(h)).

Sec. 2. (a) As used in this chapter, "end use energy efficiency improvement" means the installation and use of a device or the use of a method or project on the customer side of an electric utility metering device that reduces electrical energy usage.

(b) The term includes the following:

- (1) Home weatherization.
- (2) Appliance efficiency modifications or replacements.
- (3) Motor efficiency modifications or replacements.
- (4) Lighting efficiency modifications.
- (5) Heating or air conditioning modifications or replacements.
- (6) Building designs with the purpose of achieving end use energy reductions.

Sec. 3. As used in this chapter, "fund" refers to the renewable energy resources fund established by section 9 of this chapter.

Sec. 4. As used in this chapter, "regional transmission organization" refers to a regional transmission organization approved by the Federal Energy Regulatory Commission for the geographic area in which an electricity supplier's assigned service area (as defined in IC 8-1-2.3-2) is located.

Sec. 5. As used in this chapter, "renewable energy credit", or "REC", means one (1) megawatt hour of electricity generated by renewable energy resources that is:

- (1) quantifiable;
- (2) possessed by not more than one (1) entity at a time; and
- (3) associated with electricity generated by renewable energy resources that are constructed or installed after January 1, 2008.

Sec. 6. (a) As used in this chapter, "renewable energy resources" includes the following sources for the production of electricity:

- (1) Dedicated crops grown for energy production.
- (2) Methane systems that convert waste products, including animal, food, and plant waste, into electricity.
- (3) Methane recovered from landfills.
- (4) Wind.
- (5) Hydropower, other than hydropower involving the construction of new dams or the expansion of existing dams.
- (6) Solar photovoltaic cells and panels.
- (7) Fuel cells that directly convert chemical energy in a hydrogen rich fuel into electricity.
- (8) Sawmill waste, other than waste derived from virgin timber.
- (9) Agricultural crop waste.
- (10) Combined heat and power systems that:
  - (A) use natural gas or renewable energy resources as feedstock;
  - (B) achieve at least seventy percent (70%) overall efficiency; and

(C) are constructed after January 1, 2008.

(11) End use energy efficiency improvements, installed after January 1, 2008, that reduce electrical energy usage.

(b) The term does not include energy from the incineration, burning, or heating of the following:

- (1) Tires.
- (2) Garbage.
- (3) General household, institutional, or commercial waste.
- (4) Industrial lunchroom or office waste.
- (5) Landscape waste.
- (6) Construction or demolition debris.
- (7) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

Sec. 7. (a) Each electricity supplier shall supply electricity generated or reduced by renewable energy resources to Indiana customers as a percentage of the total electricity supplied by the electricity supplier to Indiana customers as follows:

- (1) Not later than December 31, 2010, at least one percent (1%).
- (2) Not later than December 31, 2011, at least two percent (2%).
- (3) Not later than December 31, 2012, at least three percent (3%).
- (4) Not later than December 31, 2013, at least four percent (4%).
- (5) Not later than December 31, 2014, at least five percent (5%).
- (6) Not later than December 31, 2015, at least six percent (6%).
- (7) Not later than December 31, 2016, at least seven percent (7%).
- (8) Not later than December 31, 2017, at least eight percent (8%).

For purposes of this subsection, electricity is measured in megawatt hours.

(b) An electricity supplier may use a renewable energy resource described in section 6(a)(10) of this chapter to generate not more than ten percent (10%) of the electricity that the electricity supplier is required to supply under subsection (a).

(c) An electricity supplier may use a renewable energy resource described in section 6(a)(11) of this chapter to generate not more than ten percent (10%) of the electricity that the electricity supplier is required to supply under subsection (a).

(d) An electricity supplier may own or purchase RECs to comply with subsection (a).

(e) An electricity supplier is responsible for conducting sufficient advance planning to acquire its allotment of RECs.

(f) An electricity supplier that fails to comply with subsection (a) shall deposit in the fund an amount equal to:

- (1) the number of megawatt hours of electricity that the electricity supplier was required to but failed to supply under subsection (a); multiplied by
- (2) fifty dollars (\$50).

(g) An electricity supplier is not required to comply with subsection (a) if the commission determines that events beyond the reasonable control of the electricity supplier prevent it from meeting its renewable energy resources or REC requirements. For purposes of this subsection, "events beyond the reasonable control of the electricity supplier" include only the following:

- (1) Weather related damage.
- (2) Mechanical failure.
- (3) Lack of transmission capacity or availability.
- (4) Strikes or lockouts.
- (5) Actions of a governmental authority that adversely

affect the generation, transmission, or distribution of energy from renewable energy resources under contract to a purchaser.

(6) An emergency as found by the commission under IC 8-1-2-113.

The term does not include failure of the spot or short term market to supply an electricity supplier with the allocated number of RECs.

(h) The commission shall conduct a public hearing before making a determination under subsection (g).

(i) If the commission determines under subsection (g) that events beyond the reasonable control of the electricity supplier prevent it from meeting its renewable energy resources or REC requirements, the commission shall:

- (1) reduce the affected electricity supplier's obligations under subsection (a) as appropriate; and
- (2) review its determination not more than six (6) months after the reduction under subdivision (1) takes effect.

(j) The commission shall allow an electricity supplier to recover reasonable and necessary costs incurred in:

- (1) constructing, operating, or maintaining facilities to comply with this chapter; or
- (2) generating electricity from, or purchasing electricity generated from, a renewable energy resource;

by a periodic rate adjustment mechanism.

Sec. 8. (a) For purposes of calculating RECs to determine an electricity supplier's compliance with section 7(a) of this chapter, the following apply:

- (1) One (1) megawatt hour of electricity generated by renewable energy resources in an Indiana facility equals one (1) REC.
- (2) One (1) megawatt hour of electricity generated by a renewable energy resource described in section 6(a)(2), 6(a)(6), 6(a)(8), or 6(a)(9) of this chapter that originates in Indiana equals one and two-tenths (1.2) RECs.
- (3) One (1) megawatt hour of electricity that is:

(A) generated by a renewable energy resource in the territory of a regional transmission organization; and

(B) imported into Indiana;

equals five-tenths (0.5) REC.

(4) One (1) megawatt hour of electricity that is generated by a renewable energy resource described in section 6(a)(10) of this chapter in Indiana equals five-tenths (0.5) REC.

(b) Electricity generated by any source outside the territory of a regional transmission organization may not be considered for purposes of calculating an REC to determine an electricity supplier's compliance with section 7(a) of this chapter.

(c) An electricity supplier may satisfy not more than ten percent (10%) of the electricity supplier's requirement under section 7(a) of this chapter by owning or purchasing RECs calculated under subsection (a)(4).

(d) An electricity supplier may calculate only one (1) REC for each megawatt hour of electricity.

Sec. 9. (a) The renewable energy resources fund is established to:

(1) support the development, construction, and use of renewable energy resources, including small scale renewable energy resources, in rural and urban Indiana; and

(2) reimburse the Indiana economic development corporation and the commission for expenses incurred under section 10 of this chapter.

(b) The fund consists of the following:

- (1) Money deposited under section 7(f) of this chapter.
- (2) Money from any other source that is deposited in the fund.

(c) The Indiana economic development corporation shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**Sec. 10. (a)** This section applies if there is sufficient money in the fund to reimburse the Indiana economic development corporation and the commission for expenses incurred under subsection (b).

(b) The Indiana economic development corporation, in consultation with the commission, shall develop a strategy to attract renewable energy manufacturing facilities, including wind turbine component manufacturers, to Indiana.

**Sec. 11.** Not later than March 1 of 2011 and each year thereafter, a utility shall file with the commission a report of the utility's compliance with this chapter for the preceding calendar year.

**Sec. 12.** The commission shall adopt rules under IC 4-22-2 to implement this chapter.

**SECTION 4. [EFFECTIVE UPON PASSAGE]** Not later than April 1, 2013, the Indiana utility regulatory commission shall submit a report in an electronic format under IC 5-14-6 to the general assembly. A report submitted under this SECTION must include:

(1) an analysis of; and

(2) any legislative proposals the commission believes would increase;

the effectiveness of and industry compliance with IC 8-1-35, as added by this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1101 as printed January 25, 2008.)

CROOKS

Representative Foley rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1101 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

## House Bill 1105

Representative Tincher called down House Bill 1105 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1105-1)

Mr. Speaker: I move that House Bill 1105 be amended to read as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 10 with "[EFFECTIVE UPON PASSAGE]".

Page 7, line 30, delete "(a) This section".

Page 7, delete lines 31 through 32.

Page 7, line 33, reset in roman "(a)".

Page 7, line 33, after "(a)" delete "(b)".

Page 7, line 33, after "(b)," delete "(c)".

Page 7, line 33, after "subsection" reset in roman "(b)".

Page 7, line 35, strike "sixtieth" and insert "sixty-fifth".

Page 7, line 36, reset in roman "(b)".

Page 7, line 36, delete "(c)".

Page 7, line 40, strike "ten (10)" and insert "fifteen (15)".

Page 7, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 3. IC 5-10-5.5-10, AS AMENDED BY P.L.180-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Benefits provided under this section are subject to section 2.5 of this chapter.

(b) The annual retirement allowance of a participant, payable in equal monthly installments beginning on the participant's normal retirement date, shall be a percentage of the participant's average annual salary, such percentage to be twenty-five percent (25%) increased by one and two-thirds percent (1 2/3%) of the participant's average annual salary for each completed year of creditable service more than ten (10) years. **However, the annual retirement allowance computed under this subsection may not exceed seventy-five percent (75%) of the participant's average annual salary.**

(c) The annual retirement allowance shall cease with the last monthly payment prior to the death of the participant.

**SECTION 4. IC 5-10-5.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a)** As used in this section, "DROP" refers to a deferred retirement option plan established under this section.

(b) As used in this section, "DROP entry date" means the date that a participant's election to enter a DROP becomes effective.

(c) As used in this section, "DROP frozen benefit" refers to an annual retirement allowance computed under section 10 of this chapter based on a participant's:

(1) average annual salary; and

(2) years of creditable service;

on the date the participant enters the DROP.

(d) As used in this section, "DROP retirement date" means the future retirement date selected by a participant at the time the participant elects to enter the DROP.

(e) Only a participant who is eligible to receive an unreduced annual retirement allowance immediately upon termination of employment may elect to enter a DROP. A participant who elects to enter the DROP must agree to the following:

(1) The participant shall execute an irrevocable election to retire on the DROP retirement date and must remain in active service until that date.

(2) While in the DROP, the participant shall continue to make contributions under section 8 of this chapter.

(3) The participant shall select a DROP retirement date not less than twelve (12) months and not more than thirty-six (36) months after the participant's DROP entry date.

(4) The participant may not remain in the DROP after the date the participant reaches the mandatory retirement age under section 9 of this chapter.

(5) The participant may make an election to enter the DROP only once in the participant's lifetime.

(f) Contributions or payments provided by the general assembly under section 4(b)(4) of this chapter continue for a participant while the participant is in the DROP.

(g) A participant shall exit the DROP on the earliest of the following:

(1) The participant's DROP retirement date.

(2) Thirty-six (36) months after the participant's DROP entry date.

(3) The participant's mandatory retirement age.

(4) The date the participant retires because of a disability as provided by subsection (k).

(h) A participant who retires on the participant's DROP retirement date or on the date the participant retires because of a disability as provided by subsection (k) may elect to receive an annual retirement allowance:

(1) computed under section 10 of this chapter as if the participant had never entered the DROP; or



- (2) consisting of:
- (A) the DROP frozen benefit; plus
  - (B) an additional amount, paid as the participant elects under subsection (i), determined by multiplying:
    - (i) the DROP frozen benefit; by
    - (ii) the number of months the participant was in the DROP.
- (i) The participant shall elect, at the participant's retirement, to receive the additional amount calculated under subsection (h)(2)(B) in one (1) of the following ways:
- (1) A lump sum paid on:
    - (A) the participant's DROP retirement date; or
    - (B) the date the participant retires because of a disability as provided by subsection (k).
  - (2) Three (3) equal annual payments:
    - (A) commencing on:
      - (i) the participant's DROP retirement date; or
      - (ii) the date the participant retires because of a disability as provided by subsection (k); and
    - (B) thereafter paid on:
      - (i) the anniversary of the participant's DROP retirement date; or
      - (ii) the date the participant retires because of a disability as provided by subsection (k).
  - (j) A cost of living increase determined under section 21(c) of this chapter does not apply to the additional amount calculated under subsection (h)(2)(B) at the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k). No cost of living increase is applied to a DROP frozen benefit while the participant is in the DROP. After the participant's DROP retirement date or the date the participant retires because of a disability as provided by subsection (k), cost of living increases determined under section 21(c) of this chapter apply to the participant's annual retirement allowance computed under this section.
  - (k) If a participant becomes disabled, in the line of duty or other than in the line of duty while in the DROP, the participant's annual retirement allowance is computed as follows:
    - (1) If the participant retires because of a disability less than twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated as if the participant had never entered the DROP.
    - (2) If the participant retires because of a disability at least twelve (12) months after the date the participant enters the DROP, the participant's annual retirement allowance is calculated under this section, and the participant's retirement date is the date the member retires because of a disability rather than the participant's DROP retirement date.
  - (l) If, before payment of the participant's annual retirement allowance begins, the participant dies in the line of duty or other than in the line of duty, death benefits are payable as follows:
    - (1) The benefit calculated under subsection (h)(2)(B) is paid in a lump sum to the participant's surviving spouse. If there is no surviving spouse, the lump sum must be divided equally among the participant's surviving children. If there are no surviving children, the lump sum is paid to the participant's parents. If there are no surviving parents, the lump sum is paid to the participant's estate.
    - (2) A benefit is paid on the DROP frozen benefit under the terms of the retirement plan created by this chapter.
  - (m) Except as provided under subsections (k) and (l), the annual retirement allowance for a participant who exits the

**DROP for any reason other than retirement on the participant's DROP retirement date is calculated as if the participant had never entered the DROP."**

Page 7, delete line 42.

Page 8, delete lines 1 through 29.

Page 12, line 13, delete "IC 5-10-5.5-12," and insert **"IC 5-10-5.5-10,"**.

Page 12, line 13, delete "IC 5-10-5.5-9.5," and insert **"IC 5-10-5.5-22,"**.

Page 12, line 16, delete ":".

Page 12, delete line 17.

Page 12, line 18, delete "(2) retires" and insert **"is in active service"**.

Page 12, run in lines 16 through 18.

Page 12, after line 18, begin a new paragraph and insert:

**"SECTION 11. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1105 as printed January 22, 2008.)

TINCHER

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative Tinchler (1105-1). Motion prevailed.

#### HOUSE MOTION (Amendment 1105-2)

Mr. Speaker: I move that House Bill 1105 be amended to read as follows:

Page 11, line 33, delete "As used in this section, "fund" refers to the".

Page 11, delete lines 34 through 35.

Page 11, line 36, delete "(b)".

Page 11, run in lines 33 through 36.

Page 11, line 37, after "unit" delete "to the" and insert **"to:**

**(1) the fire protection territory fund established under section 8 of this chapter;**

**(2) the fire protection territory equipment replacement fund established under section 8.5 of this chapter; or**

**(3) both funds described in subdivisions (1) and (2)."**

Page 11, delete line 38.

Page 11, line 39, delete "(c)" and insert **"(b)"**.

Page 11, line 41, after "to" delete "the" and insert **"either"**.

(Reference is to HB 1105 as printed January 22, 2008.)

TINCHER

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1113

Representative Dembowski called down House Bill 1113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1134

Representative VanDenburgh called down House Bill 1134 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1134-3)

Mr. Speaker: I move that House Bill 1134 be amended to read as follows:

Page 6, line 8, delete "authorizing" and insert **"authorizing the:**

**(1) search of the sex or violent offender's computer or device with Internet capability, at any time; and**

**(2) installation on the sex or violent offender's computer or device with Internet capability, at the sex or violent offender's expense, of hardware or software to monitor the sex or violent offender's Internet usage."**

Page 6, delete lines 9 through 14.

(Reference is to HB 1134 as printed January 25, 2008.)  
VAN DENBURGH

Motion prevailed.

HOUSE MOTION  
(Amendment 1134-1)

Mr. Speaker: I move that House Bill 1134 be amended to read as follows:

Page 11, line 32, after "35-41-1-24.7)" insert ", as measured from the property line of the sex offender's residence to the property line of the school property,".

Page 14, between lines 20 and 21, begin a new line double block indented and insert:

"(B) a charter school (as defined in IC 20-24-1-4);".

Page 14, line 21, strike "(B)" and insert "(C)".

Page 14, line 21, strike "or".

Page 14, between lines 21 and 22, begin a new line double block indented and insert:

"(D) a child care center licensed under IC 12-17.2-4, child care home licensed under IC 12-17.2-5, or child care ministry registered under IC 12-17.2-6; or".

Page 14, line 22, strike "(C)" and insert "(E)".

Page 14, line 22, after "park;" begin a new line block indented and insert:

"as measured from the property line of the offender's residence to the property line of the school, charter school, youth program center, child care center, child care home, child care ministry, or public park;".

Page 14, line 24, delete "offense;" and insert "offense, as measured from the property line of the offender's residence to the property line of the victim's residence;".

(Reference is to HB 1134 as printed January 25, 2008.)

BUELL

Motion prevailed. The bill was ordered engrossed.

## House Bill 1162

Representative Bell called down House Bill 1162 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1162-1)

Mr. Speaker: I move that House Bill 1162 be amended to read as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 36-4-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

### Chapter 13. Legislative Body Youth Adviser

Sec. 1. The presiding officer of the legislative body of a municipality may appoint an individual who is not more than eighteen (18) years of age to serve as an adviser to the legislative body on matters affecting youth in the community.

Sec. 2. An individual appointed under section 1 of this chapter is not a member of the legislative body."

Renumber all SECTIONS consecutively.

(Reference is to HB 1162 as printed January 25, 2008.)

BELL

Motion prevailed.

HOUSE MOTION  
(Amendment 1162-2)

Mr. Speaker: I move that House Bill 1162 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

### Chapter 29. Youth Advisory Council

Sec. 1. As used in this chapter, "council" refers to the youth advisory council established by section 2 of this chapter.

Sec. 2. The youth advisory council is established to provide to the general assembly information from young people concerning issues that are of importance to youth in Indiana, including:

- (1) education;
- (2) employment;
- (3) strategies to increase youth involvement in state and local government;
- (4) safe environments for youth;
- (5) substance abuse;
- (6) emotional and physical health;
- (7) foster care;
- (8) poverty;
- (9) homelessness; and
- (10) youth access to state and local services.

Sec. 3. (a) The council consists of the following members, who must be at least fourteen (14) years of age and not more than eighteen (18) years of age at the time of appointment:

- (1) Five (5) members appointed by the president pro tempore of the senate.
- (2) Five (5) members appointed by the minority leader of the senate.
- (3) Five (5) members appointed by the speaker of the house of representatives.
- (4) Five (5) members appointed by the minority leader of the house of representatives.
- (5) Two (2) members appointed by the governor.

(b) The members of the council shall annually elect a chairperson of the council from among the members.

(c) Members of the council shall serve for a two (2) year term and may be reappointed.

Sec. 4. The council has the following duties:

- (1) To advise the general assembly concerning proposed and pending legislation, including budget expenditures and policy matters related to youth.
- (2) To advise the standing committees and study committees of the general assembly concerning issues related to youth.
- (3) To conduct periodic seminars for members of the council concerning leadership, government, and the general assembly.
- (4) To report to the general assembly, not later than December 1 of each year, concerning the council's activities, including any proposed legislation to implement recommendations of the council. The report must be in an electronic format under IC 5-14-6.

Sec. 5. (a) The council shall meet at least three (3) times, and not more than six (6) times, per year.

(b) Meetings held under this section must include not more than two (2) public hearings per year concerning issues of importance to youth.

(c) The affirmative votes of a majority of the members appointed to the council are required for the council to take action on any measure, including annual reports.

Sec. 6. (a) The state superintendent of public instruction shall supervise the activities of the council.

(b) The department of education shall staff the council.

Sec. 7. (a) The expenses of the council shall be paid from the budget of the department of education.

(b) Each member of the council is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

**Sec. 8. This chapter expires June 30, 2012."**

Page 1, after line 16, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2008] (a) **Notwithstanding IC 2-5-29-3(c), as added by this act:**

- (1) **two (2) of the members initially appointed under IC 2-5-29-3(a)(1), as added by this act;**
- (2) **three (3) of the members initially appointed under IC 2-5-29-3(a)(2), as added by this act;**
- (3) **three (3) of the members initially appointed under IC 2-5-29-3(a)(3), as added by this act;**
- (4) **two (2) of the members initially appointed under IC 2-5-29-3(a)(4), as added by this act; and**
- (5) **one (1) of the members initially appointed under IC 2-5-29-3(a)(5), as added by this act;**

**shall serve an initial term of one (1) year.**

**(b) This SECTION expires June 30, 2009."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1162 as printed January 25, 2008.)

STUTZMAN

Motion prevailed. The bill was ordered engrossed.

**House Bill 1184**

Representative V. Smith called down House Bill 1184 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1184-6)

Mr. Speaker: I move that House Bill 1184 be amended to read as follows:

Page 1, line 17, after "American" insert "**and Hispanic**".  
 Page 2, line 3, after "American" insert "**and Hispanic**".  
 Page 2, line 5, after "American" insert "**and Hispanic**".  
 Page 2, line 6, after "American" insert "**and Hispanic**".  
 Page 2, line 12, after "American" insert "**or Hispanic**".  
 Page 2, line 15, after "American" insert "**or Hispanic**".  
 Page 2, line 21, after "American" insert "**or Hispanic**".  
 (Reference is to HB 1184 as printed January 25, 2008.)

CANDELARIA REARDON

Motion prevailed.

HOUSE MOTION  
(Amendment 1184-2)

Mr. Speaker: I move that House Bill 1184 be amended to read as follows:

Page 1, line 12, delete "under" and insert "**by**".  
 Page 1, line 14, delete "program" and insert "**program**".  
 Page 1, delete line 15.

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 2. IC 20-26-14-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. A school corporation may not participate in:**

- (1) **an association; or**
- (2) **an athletic event conducted, organized, sanctioned, or sponsored by an association;**

**if the association divides post-season tournaments in boys' or girls' basketball into classes."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1184 as printed January 25, 2008.)

BUELL

After discussion, Representative Buell withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

**House Bill 1187**

Representative L. Lawson called down House Bill 1187 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1196**

Representative Pierce called down House Bill 1196 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1196-1)

Mr. Speaker: I move that House Bill 1196 be amended to read as follows:

Page 19, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 22. IC 3-11-14-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28.5. (a) This section applies if it is discovered, after a voter leaves the voting booth, that the voter has failed to register the voter's votes.**

**(b) The judges, in the presence of the inspector, shall take all reasonable action to register the voter's votes. The judges shall attempt to register the votes without viewing any of the votes. However, the voter's votes are not void if either of the judges or the inspector sees any of the votes during an attempt to register the votes.**

**(c) The judges may not alter any of the voter's votes in performing the duty described in this section.**

**(d) If the judges are unable to register the voter's votes as provided in this section:**

- (1) **the votes shall be canceled; and**
- (2) **the voter may not vote again at the election.**

**(e) A record of the occurrence and the results of the attempt to register the voter's votes shall be made on the poll list."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1196 as printed January 25, 2008.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

**House Bill 1204**

Representative Crooks called down House Bill 1204 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1204-1)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new line block indented and insert:

**"(7) An individual who is a member of the Hoosier State Press Association, appointed by the governor."**

Page 3, line 21, delete "**or (a)(6):**" and insert "**(a)(6), or (a)(7):**".

(Reference is to HB 1204 as printed January 17, 2008.)

MURPHY

Motion prevailed.

HOUSE MOTION  
(Amendment 1204-3)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Page 1, delete lines 1 through 17.  
 Page 2, delete lines 1 through 36.  
 Page 4, delete lines 20 through 42.  
 Page 5, delete lines 1 through 7.  
 Page 5, delete line 14.

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as printed January 17, 2008.)

CROOKS

Motion prevailed.

HOUSE MOTION  
(Amendment 1204-2)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Page 3, line 22, delete "the later of the following:" and insert **"one (1) of the following dates, whichever applies, during the year in which the member is appointed:"**

Page 3, line 23, delete "1 after the member is appointed." and insert **"1, if the member is appointed on or before July 1."**

Page 3, line 25, delete "appointment." and insert **"appointment, if the member is appointed after July 1."**

Page 5, between lines 13 and 14, begin a new paragraph and insert:

**"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "PSAP" has the meaning set forth in IC 36-8-16.5-13. The term includes a public safety communications system operated and maintained under IC 36-8-15.**

**(b) As used in this SECTION, "PSAP operator" means:**

- (1) a political subdivision; or**
- (2) an agency;**

**that operates a PSAP.**

**(c) Not later than July 1, 2011, each PSAP operator in a county that contains more than one (1) PSAP shall enter into an interlocal agreement under IC 36-1-7 with every other PSAP operator in the county to ensure that the county does not contain more than one (1) PSAP after June 30, 2012.**

**(d) An interlocal agreement required under subsection (c) may include as parties, in addition to the PSAP operators required to enter into the interlocal agreement under subsection (c), any of the following that seek to be served by a county's PSAP after June 30, 2012:**

- (1) Other counties contiguous to the county.**
- (2) Other political subdivisions in a county contiguous to the county.**
- (3) Other PSAP operators in a county contiguous to the county.**

**(e) An interlocal agreement required under subsection (c) must provide for the following:**

- (1) A plan for the:**
  - (A) consolidation;**
  - (B) reorganization; or**
  - (C) elimination;**

**of one (1) or more of the county's PSAPs, as necessary to ensure that the county does not contain more than one PSAP after June 30, 2012.**

**(2) A plan for funding and staffing the PSAP that will serve:**

- (A) the county; and**
  - (B) any areas contiguous to county, if additional parties described in subsection (d) participate in the interlocal agreement;**
- after June 30, 2012.**

**(3) Subject to any applicable state or federal requirements, protocol to be followed by the county's PSAP in:**

- (A) receiving incoming 911 calls; and**
- (B) dispatching appropriate public safety agencies to respond to the calls;**

**after June 30, 2012.**

**(4) Any other matters that the participating PSAP operators or parties described in subsection (d), if any, determine are necessary to ensure that the county does not contain more than one (1) PSAP after June 30, 2012.**

**(f) This SECTION may not be construed to require a county to contain a PSAP.**

**(g) This SECTION expires January 1, 2013."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1024 as printed January 17, 2008.)

FOLEY

After discussion, Representative Foley withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

**House Bill 1211**

Representative Murphy called down House Bill 1211 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1211-2)

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 6-1.1-5.5-3, AS AMENDED BY P.L.219-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) For purposes of this section, "party" includes:**

- (1) a seller of property that is exempt under the seller's ownership; or**
- (2) a purchaser of property that is exempt under the purchaser's ownership;**

**from property taxes under IC 6-1.1-10.**

**(b) ~~Before Except as provided in section 3.5 of this chapter,~~ in addition to filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must do the following:**

**(1) Complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.**

**(2) Before filing a sales disclosure form with the county auditor, submit the sales disclosure form to the county assessor. The county assessor must review the accuracy and completeness of each sales disclosure form submitted immediately upon receipt of the form and, if the form is accurate and complete, stamp the form as eligible for filing with the county auditor and return the form to the appropriate party for filing with the county auditor. If multiple forms are filed in a short period, the county assessor shall process the forms as quickly as possible. For purposes of this subdivision, a sales disclosure form is considered to be accurate and complete if:**

- (A) the county assessor does not have substantial evidence when the form is reviewed under this subdivision that information in the form is inaccurate; and**
- (B) the form:**

- (i) substantially conforms to the sales disclosure form prescribed by the department of local government finance under section 5 of this chapter; and**
- (ii) is submitted to the county assessor in a format usable to the county assessor.**

**(3) File the sales disclosure form with the county auditor.**

**(c) Except as provided in subsection (d), the auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative**

services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency in an electronic format specified jointly by the department of local government finance and the legislative services agency. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

(f) County assessing officials and other local officials may not establish procedures or requirements concerning sales disclosure forms that substantially differ from the procedures and requirements of this chapter.

SECTION 2. IC 6-1.1-5.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.5. (a) This section applies to a conveyance that:**

**(1) is a single family residential:**

**(A) first lien purchase money mortgage transaction; or**

**(B) refinancing transaction; and**

**(2) is closed after December 31, 2009.**

**(b) Not later than September 1, 2009, the department of local government shall establish and maintain an electronic system for the collection and storage of the sales disclosure form data set forth in section 5(a) of this chapter with respect to a conveyance to which this section applies.**

**(c) The system established by the department under this section must include a form that:**

**(1) is uniformly accessible in an electronic format to the closing agent (as defined in IC 6-1.1-12-43(a)(2)) in the transaction; and**

**(2) allows the closing agent to:**

**(A) input the sales disclosure form data set forth in section 5(a) of this chapter with respect to the transaction; and**

**(B) submit the form electronically to a data base maintained by the department of local government finance.**

**(d) Subject to subsection (e), the department shall make the information stored in the data base described in subsection (c)(2)(B) accessible to:**

**(1) county auditors;**

**(2) county assessors;**

**(3) township assessors;**

**(4) the legislative services agency; and**

**(5) the department;**

**for the purposes authorized by section 3(c) and 3(d) of this chapter.**

**(e) If the sales disclosure form data submitted by a closing agent under subsection (c)(2)(B) includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential."**

Page 1, line 6, delete "following:" and insert "following".

Page 1, line 6, reset in roman "information:".

Page 2, delete lines 18 through 23.

Page 2, line 24, reset in roman "(16)".

Page 2, line 24, delete "(18)".

Page 2, line 30, strike "IC 6-1.1-12-43(c)(1)." and insert

**"IC 6-1.1-12-43(b)(1)."**

Page 2, between lines 30 and 31, begin a new paragraph and insert:

**"SECTION 4. IC 6-1.1-5.5-6, AS AMENDED BY P.L.154-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) Subject to subsection (c), the county auditor may not refuse to accept a conveyance document ~~if~~ solely because:**

**(1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or**

**(2) the sales disclosure form does not contain the information described in section 5(a) of this chapter; or**

**(3) in the case of a conveyance to which section 3.5 of this chapter applies:**

**(A) the closing agent fails to submit an electronic form in accordance with section 3.5(c)(2)(B) of this chapter; or**

**(B) the electronic form submitted by the closing agent under section 3.5(c)(2)(B) of this chapter is incomplete or determined by any official or agency described in section 3.5(d) of this chapter to be inaccurate.**

**(b) Subject to subsection (c), the county recorder ~~shall not~~ may not refuse to record a conveyance document ~~without~~ evidence that the parties have filed a completed sales disclosure form with the county auditor: solely on the basis of any of the reasons set forth in subsection (a).**

**(c) Notwithstanding subsections (a) and (b), if any of the circumstances described in subsection (a)(1) through (a)(3) apply:**

**(1) a party to the conveyance who is required to file a sales disclosure form under section 3 of this chapter:**

**(A) is not relieved of the party's duty to file or correct the sales disclosure form required by this chapter; and**

**(B) is subject to the penalties set forth in section 12 of this chapter; and**

**(2) a closing agent who is required to submit an electronic sales disclosure form under section 3.5(c)(2)(B) of the chapter:**

**(A) is not relieved of the closing agent's duty to submit or correct the electronic sales disclosure form required by section 3.5(c)(2)(B) this chapter; and**

**(B) is subject to the penalties set forth in section 12(f) of this chapter.**

SECTION 5. IC 6-1.1-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 9. (a) Except as provided in subsection (b), a person who signs a sales disclosure form shall attest in writing and under penalties of perjury that to the best of the person's knowledge and belief the information contained in the sales disclosure form is true and correct.**

**(b) An electronic sales disclosure form that is submitted in accordance with section 3.5(c)(2)(B) of this chapter is subject to any verification requirements that the department may prescribe by rule adopted under IC 4-22-2.**

SECTION 6. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12. (a) Except as provided in subsection (f), a party to a conveyance who:**

**(1) is required to file a sales disclosure form under this chapter; and**

**(2) fails to file a sales disclosure form at the time and in the manner required by this chapter; is subject to a penalty in the amount determined under subsection (b).**

**(b) The amount of the penalty under subsection (a) is the greater of:**

**(1) one hundred dollars (\$100); or**

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) **Except as provided in subsection (f)**, the township assessor in a county containing a consolidated city, or the county assessor in any other county, shall:

- (1) determine the penalty imposed under this section;
- (2) assess the penalty to the party to a conveyance; and
- (3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) **Except as provided in subsection (f)**, the county auditor shall:

- (1) collect the penalty imposed under this section;
- (2) deposit penalty collections as required under section 4 of this chapter; and
- (3) notify the county prosecuting attorney of delinquent payments.

(e) **Except as provided in subsection (f)**, the county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

(f) **A closing agent who:**

- (1) is required to submit an electronic sales disclosure form under section 3.5(c)(2)(B) of this chapter; and
- (2) fails to submit the electronic sales disclosure form at the time and in the manner prescribed by the department of local government finance;

is subject to the penalty set forth in IC 6-1.1-12-43(h)."

Page 3, line 40, delete "The" and insert "Except as provided in subsection (d), the".

Page 4, line 4, delete "For use in transactions involving a first lien purchase money" and insert "As used in this subsection, "transaction" has the meaning set forth in section 43(a)(4) of this chapter. Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system that automatically applies the deduction provided by section 1 of this chapter to a person entitled to the deduction provided by section 1 of this chapter. The system established by the department under this subsection must include a form that, with respect to a transaction that is closed after December 31, 2009:

- (1) is uniformly accessible in an electronic format to the closing agent (as defined in section 43(a)(2) of this chapter) in the transaction that is the basis for the person's eligibility for the deduction provided by section 1 of this chapter; and
- (2) allows the closing agent to:
  - (A) input the information concerning the transaction that is the basis for the person's eligibility for the deduction provided by section 1 of this chapter; and
  - (B) submit the form electronically to a data base maintained by the department of local government finance.

The department shall make the data base described in subdivision (2)(B) accessible to the county auditor in each county in Indiana. If the form submitted by a closing agent under subdivision (2)(B) is complete, the county auditor in the county in which the real property is located must accept the form and apply the deduction in accordance with section 17.8(c) of this chapter. The county auditor may not require the closing agent, the person entitled to the deduction, or any other person to provide any other information or form of identification for the person entitled to the deduction under section 1 of chapter to receive the deduction. If the form submitted by a closing agent under subdivision (2)(B) includes the telephone number or Social Security number of any individual, the telephone number or Social Security number is confidential."

Page 4, delete lines 5 through 15.

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-12-42.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 42.5. (a) This section applies to a transaction that:**

**(1) is a single family residential:**

- (A) first lien purchase money mortgage transaction; or**
- (B) refinancing transaction; and**

**(2) is closed after December 31, 2009.**

**(b) Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system for the collection and storage of the following information concerning any of the following persons that have participated in or assisted with a transaction to which this section applies, or that will participate in or assist with a transaction to which this section applies:**

**(1) The name and license number (under IC 23-2-5) of each loan brokerage business involved in the transaction.**

**(2) The name and registration number (under IC 23-2-5) of each originator involved in the transaction.**

**(3) The name and license number (under IC 25-34.1) of each:**

**(A) principal broker; and**

**(B) salesperson or broker-salesperson, if any; involved in the transaction.**

**(4) The name and certificate number (under IC 27-7-3) of each title insurance company involved in the transaction.**

**(5) The name and license number (under IC 27-1-15.6) of each title insurance agent involved in the transaction.**

**(6) The name and:**

**(A) license or certificate number (under IC 25-34.1-3-8) of each licensed or certified real estate appraiser; or**

**(B) license number (under IC 25-34.1) of each broker;**

**who appraises the property that is the subject of the transaction.**

**(7) The name of the mortgagee and, if the mortgagee is required to be licensed under IC 24-4.5-3-502, the license number of the mortgagee.**

**(c) The system established by the department under this section must include a form that:**

**(1) is uniformly accessible in an electronic format to the closing agent (as defined in section 43(a)(2) of this chapter) in the transaction; and**

**(2) allows the closing agent to:**

**(A) input the information described in subsection (b) with respect to each person described in subsection (b) that participates in or assists with the transaction, to the extent determinable; and**

**(B) submit the form electronically to a data base maintained by the department of local government finance.**

**(d) Subject to subsection (e), the department shall make the information stored in the data base described in subsection (c)(2)(B) accessible to:**

**(1) each entity described in IC 4-6-12-4; and**

**(2) the homeowner protection unit established under IC 4-6-12-2.**

**(e) The department, a closing agent who submits under subsection (c), each entity described in IC 4-6-12-4, and the homeowner protection unit established under IC 4-6-12-2 shall exercise all necessary caution to avoid disclosure of any**

**information:**

- (1) concerning a person described in subsection (b), including the person's license, registration, or certificate number; and
- (2) contained in the data base described in subsection (c)(2)(B);

except to the extent required or authorized by state or federal law."

Page 5, line 20, delete "2008:" and insert "**2008, and before January 1, 2010:**".

Page 5, delete lines 21 through 24.

Page 5, line 25, delete "(2)" and insert "(1)".

Page 5, line 27, delete "the sales disclosure form prescribed by the" and insert "**if the transaction is a first lien purchase money mortgage transaction, the sales disclosure form prescribed by the department under IC 6-1.1-5.5-5, the form prescribed by the department under IC 6-1.1-20.9-3 to allow a person to claim the credit provided by IC 6-1.1-20.9-2, and the form prescribed by the department under section 2(a) of this chapter to allow a person to claim the deduction provided by section 1 of this chapter; or**

- (ii) if the transaction is a refinancing transaction, the form prescribed by the department under section 2(a) of this chapter to allow a person to claim the deduction provided by section 1 of this chapter."**

Page 5, delete lines 28 through 34.

Page 5, line 35, delete "subject to subsection (f)."

Page 5, line 36, delete "form" and insert "**forms**".

Page 5, line 37, delete "subject to subsection (f)."

Page 5, line 37, delete "form" and insert "**forms**".

Page 5, line 39, delete "(3)" and insert "(2)".

Page 5, line 39, delete "closing:" and insert "**closing**".

Page 5, line 40, delete "(A)".

Page 5, run in lines 39 through 40.

Page 5, line 41, after "this" insert "**chapter by providing the customer with the form prescribed by the department under subsection (b)."**

Page 5, delete line 42.

Page 6, delete lines 1 through 6.

Page 6, line 8, delete "2008:" and insert "**2008, and before January 1, 2010:**".

Page 6, line 8, delete "a form" and insert "**the forms**".

Page 6, line 9, delete "(d)(2)(B)" and insert "**(d)(1)(B)**".

Page 6, line 11, delete "file the signed sales" and insert "**file:**

- (A) the signed sales disclosure form with the appropriate county assessor and county auditor in accordance with IC 6-1.1-5-3;**

- (B) the signed mortgage deduction form in accordance with section 2(a) of the chapter; and**

- (C) the signed homestead credit form in accordance with IC 6-1.1-20.9-3."**

Page 6, delete lines 12 through 13.

Page 6, between lines 16 and 17, begin a new paragraph and insert:

**"(f) This subsection applies to a transaction that is closed after December 31, 2009. The closing agent shall do the following:**

- (1) At the time of the closing, inform the customer of the deductions available under sections 9, 11, 13, 14, 16, 17.4, 26, 29, 31, 33, and 34 of this chapter by providing the customer with the form prescribed by the department under subsection (b).**

- (2) As soon as possible after the closing, and within the time prescribed by the department of local government finance:**

- (A) for a transaction that is a first lien purchase money mortgage transaction:**

- (i) input the electronic sales disclosure form data**

**and submit the electronic sales disclosure form in accordance with IC 6-1.1-5.5-3.5(c)(2);**

- (ii) input the information and submit the form described in IC 6-1.1-20.9-3(d)(2) to enable the customer to receive the credit provided by IC 6-1.1-20.9-2;**

- (iii) input the information and submit the form described in section 2(d)(2) of this chapter to enable the customer to receive the deduction provided by section (1) of this chapter; and**

- (iv) input the information and submit the form described in IC 6-1.1-12-42.5(c)(2); and**

- (B) for a refinancing transaction:**

- (i) input the information and submit the form described in section 2(d)(2) of this chapter to enable the customer to receive the deduction provided by section (1) of this chapter; and**

- (ii) input the information and submit the form described in IC 6-1.1-12-42.5(c)(2), to the extent applicable."**

Page 6, line 17, delete "(f)" and insert "(g)".

Page 6, line 20, delete "At the time of the closing, a customer may refuse to:"

Page 6, delete lines 21 through 27.

Page 6, line 28, delete "(g)" and insert "(h)".

Page 6, line 36, delete "(h)" and insert "(i)".

Page 6, line 39, delete "or".

Page 6, between lines 39 and 40, begin a new line block indented and insert:

**"(2) with respect to a transaction that is closed after June 30, 2008, and before January 1, 2010, the closing agent's failure to file a document under subsection (e); (3) with respect to a transaction that is closed after December 31, 2009, the closing agent's failure to input any information or submit any form described in subsection (f)(2); or"**

Page 6, line 40, delete "(2)" and insert "(4)".

Page 6, line 42, delete "(i)" and insert "(j)".

Page 7, line 4, delete "(g)." and insert "(h)".

Page 8, line 6, delete "For use in transactions involving a conveyance (as defined in" and insert "**As used in this subsection, "transaction" has the meaning set forth in section 43(a)(4)(A) of this chapter. Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system that automatically applies the credit provided by section 2 of this chapter to a person entitled to the credit provided by section 2 of this chapter. The system established by the department under this subsection must include a form that, with respect to a transaction that is closed after December 31, 2009:**

- (1) is uniformly accessible in an electronic format to the closing agent (as defined in section 43(a)(2) of this chapter) in the transaction that is the basis for the person's eligibility for the credit provided by section 2 of this chapter; and**

- (2) allows the closing agent to:**

- (A) input the information concerning the transaction that is the basis for the person's eligibility for the credit provided by section 2 of this chapter; and**

- (B) submit the form electronically to a data base maintained by the department of local government finance.**

The department shall make the data base described in subdivision (2)(B) accessible to the county auditor in each county in Indiana. If the form submitted by a closing agent under subdivision (2)(B) is complete, the county auditor in the county in which the real property is located must accept the form and apply the credit in accordance with section 2(f) of this chapter. The county auditor may not require the closing agent, the person entitled to the credit, or any other

person to provide any other information or form of identification for the person entitled to the credit under section 2 of chapter to receive the credit. If the form submitted by a closing agent under subdivision (2)(B) includes the telephone number or Social Security number of any individual, the telephone number or Social Security number is confidential."

Page 8, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 11. IC 20-24-8-5, AS AMENDED BY P.L.2-2006, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-7-14 (void teacher contract when two (2) contracts are signed).
- (7) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (8) IC 20-28-10-14 (teacher freedom of association).
- (9) IC 20-28-10-17 (school counselor immunity).
- (10) For conversion charter schools only, IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (11) IC 20-33-2 (compulsory school attendance).
- (12) IC 20-33-3 (limitations on employment of children).
- (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (14) IC 20-33-8-16 (firearms and deadly weapons).
- (15) IC 20-34-3 (health and safety measures).
- (16) IC 20-33-9 (reporting of student violations of law).
- (17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).
- (19) IC 20-33-7 (parental access to education records).
- (20) IC 20-31 (accountability for school performance and improvement).

**(21) Beginning with the school year that begins in the calendar year beginning January 1, 2010, IC 20-30-5-19 (instruction concerning consumer transactions and personal financial responsibility).**

SECTION 12. IC 20-30-5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 19. (a) Beginning with the school year that begins in the calendar year beginning January 1, 2010, each school corporation (including each charter school) and each nonpublic school that voluntarily has become accredited under IC 20-19-2-8 shall include in its curriculum for all students in grades 9 through 12 instruction designed to:**

- (1) increase students' awareness of certain consumer transactions, including mortgage transactions; and**
- (2) foster personal financial responsibility.**

**(b) A school corporation (including a charter school) and a nonpublic school that voluntarily has become accredited under IC 20-19-2-8 may meet the requirements of subsection (a) by:**

- (1) integrating the instruction described in subsection (a) in its required mathematics curriculum; or**
- (2) conducting a separate class or seminar that includes the instruction described in subsection (a).**

**(c) A person may not receive a high school diploma from**

**a school subject to this section unless the person has received the instruction required by this section.**

**(d) The department, in collaboration with the department of financial institutions established by IC 28-11-1-1, shall develop guidelines and the state board shall adopt rules under IC 4-22-2 to assist teachers assigned to provide the instruction required by this section."**

Delete pages 9 through 10.

Page 12, delete lines 3 through 4.

Page 13, line 20, delete "." and insert **"upon which there is a dwelling that is or will be used by the debtor primarily for personal, family, or household purposes."**

Page 14, between lines 12 and 13, begin a new line block indented and insert:

**"(23) "Dwelling" means a residential structure that contains one (1) to four (4) units, regardless of whether the structure is attached to real property. The term includes an individual:**

- (a) condominium unit;**
- (b) cooperative unit;**
- (c) mobile home; or**
- (d) trailer;**

**that is used as a residence."**

Page 14, line 27, delete "an interest in land" and insert **"a mortgage transaction"**.

Page 14, line 28, strike "the principal" and insert **"a"**.

Page 16, line 19, delete "Except that not more than twenty-five percent (25%) of the".

Page 16, delete line 20.

Page 16, line 21, delete "transaction may be precomputed, this" and insert **"This"**.

Page 16, run in lines 19 through 21.

Page 18, line 2, delete "a purchase money".

Page 18, line 3, delete "mortgage transaction or the refinancing of".

Page 18, line 7, delete "a purchase money mortgage transaction or the refinancing of".

Page 18, line 19, reset in roman **"(3)"**.

Page 18, line 19, delete **"A"** and insert **"Except for a first lien mortgage transaction, a"**.

Page 18, line 19, reset in roman **"delinquency charge may not be collected on an installment or"**.

Page 18, reset in roman lines 20 through 27.

Page 18, line 28, reset in roman **"(4)"**.

Page 18, line 28, delete **"(3)"**.

Page 18, line 42, reset in roman **"(5)"**.

Page 18, line 42, delete **"(4)"**.

Page 19, line 3, delete **"(5)"**.

Page 20, line 27, delete "Except that not more than twenty-five percent (25%) of the".

Page 20, delete line 28.

Page 20, line 29, delete "transaction may be precomputed, this" and insert **"This"**.

Page 20, run in lines 27 through 29.

Page 23, line 15, delete "a purchase money".

Page 23, line 16, delete "mortgage transaction or the refinancing of".

Page 23, line 20, delete "a purchase money mortgage transaction or the refinancing of".

Page 23, line 33, reset in roman **"(3)"**.

Page 23, line 33, delete **"A"** and insert **"Except for a first lien mortgage transaction, a"**.

Page 23, line 33, reset in roman **"delinquency charge may not be collected on an installment or"**.

Page 23, reset in roman lines 34 through 41.

Page 23, line 42, reset in roman **"(4)"**.

Page 23, line 42, delete **"(3)"**.

Page 24, line 14, reset in roman **"(5)"**.

Page 24, line 14, delete **"(4)"**.



Page 24, line 17, reset in roman "(6)".  
 Page 24, line 17, delete "(5)".  
 Page 24, line 35, reset in roman "or".  
 Page 24, line 36, delete "date;" and insert "date".  
 Page 24, delete lines 37 through 41.  
 Page 26, line 27, delete "Except that not more than twenty-five percent (25%) of the".  
 Page 26, delete line 28.  
 Page 26, line 29, delete "transaction may be precomputed, this" and insert "This".  
 Page 26, run in lines 27 through 29.  
 Page 27, delete lines 35 through 42.  
 Delete pages 28 through 30.  
 Page 31, delete lines 1 through 16.  
 Page 32, between lines 4 and 5, begin a new paragraph and insert:

"(c) As used in this section, "stated income or no documentation loan" means a home loan with respect to which a creditor:

- (1) relies solely on a prospective borrower's written or oral statement of the prospective borrower's creditworthiness; and
- (2) does not independently verify the accuracy of the prospective borrower's statement by conducting a reasonable inquiry into the prospective borrower's creditworthiness;

in making an underwriting determination with respect to the prospective borrower.

(d) A creditor may not do either of the following:

- (1) Recommend or issue a stated income or no documentation loan to a prospective borrower.
- (2) Recommend or issue a home loan to a prospective borrower without first conducting a reasonable inquiry into the prospective borrower's creditworthiness. A creditor, or any officer, agent, or employee of a creditor, that conducts a reasonable inquiry under this section is not liable to:

(A) a borrower or prospective borrower;

(B) a subsequent purchaser of a home that was the subject of a home loan on which a borrower has defaulted; or

(C) any other person;

if a borrower later defaults on a home loan issued by the creditor."

Page 32, delete lines 5 through 18.

Delete page 33.

Page 34, delete lines 1 through 3.

Page 34, line 6, delete "ability, as" and insert "ability".

Page 34, delete line 7.

Page 34, line 32, delete "to:" and insert "to".

Page 34, line 33, delete "(1)".

Page 34, run in lines 32 through 33.

Page 34, line 37, delete "amended;" and insert "amended".

Page 34, delete lines 38 through 42.

Page 35, delete line 1.

Page 35, line 16, delete "Not" and insert "(a) Subject to subsection (b), not".

Page 35, between lines 25 and 26, begin a new paragraph and insert:

(b) A borrower may waive the right to receive the closing documents with respect to a home loan by providing a written notice of waiver to the settlement service provider at or before the time of closing.

(c) If the terms of the home loan set forth in the closing documents made available to the borrower under subsection (a) differ from the terms of the home loan presented to the borrower at the time of the closing, the borrower is entitled to delay or reschedule the closing without penalty and without forfeiting the right to enter into the loan or, in the case of a purchase money home loan, into the purchase

contract. For purposes of the subsection, "terms", with respect to a home loan, include any of the following:

- (1) The total loan amount.
- (2) The loan's rate, including the trigger rate.
- (3) Points and fees.
- (4) Payment amounts and schedules.
- (5) The term or duration of the loan.
- (6) Prepayment penalties, if any.
- (7) Acceleration provisions.
- (8) Servicing of the loan.
- (9) Other provisions concerning the rights and responsibilities of the parties to the home loan.

Sec. 6. (a) A settlement service provider is subject to a civil penalty of twenty-five dollars (\$25) for each instance in which the settlement service provider fails to:

- (1) provide a prospective borrower with the notice required by section 4 of this chapter; or
- (2) make closing documents available to a borrower as required by section 5 of this chapter, unless the borrower has waived the borrower's right to receive the closing documents under section 5(b) of this chapter.

(b) A penalty described in subsection (a):

- (1) may be enforced by the state agency that has administrative jurisdiction over the settlement service provider in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and
- (2) shall be paid into the property tax replacement fund.

(c) A settlement service provider is not liable for any other damages claimed by a customer because of the closing agent's failure to comply with this chapter.

Sec. 7. "

Page 35, line 28, after "to" insert "file, submit, or".

Page 35, line 35, delete "determination that a home loan is suitable for a" and insert "reasonable inquiry into a prospective borrower's creditworthiness.)".

Page 35, delete line 36.

Page 35, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 33. IC 34-30-2-96.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 96.8. IC 24-9-4.5-6 (Concerning a settlement service provider's failure to provide closing documents to a borrower)."

Page 37, delete lines 22 through 42.

Page 38, delete line 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1211 as printed January 25, 2008.)

MURPHY

Motion prevailed. The bill was ordered engrossed.

## House Bill 1214

Representative GiaQuinta called down House Bill 1214 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## House Bill 1226

Representative E. Harris called down House Bill 1226 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## House Bill 1234

Representative Blanton called down House Bill 1234 for second reading. The bill was read a second time by title.

HOUSE MOTION  
 (Amendment 1234-6)

Mr. Speaker: I move that House Bill 1234 be amended to read

as follows:

Page 1, line 10, delete "and".

Page 1, line 11, delete "." and insert "; and".

Page 1, between lines 11 and 12, begin a new line block indented and insert:

**(5) school corporation police officers appointed under IC 20-26-16."**

Page 2, line 9, delete "and".

Page 2, line 10, after ";," insert "and".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**(5) school corporation police officer appointed under IC 20-26-16;".**

(Reference is to HB 1234 as printed January 25, 2008.)

AUSTIN

Motion prevailed.

#### HOUSE MOTION

(Amendment 1234-4)

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.7. "Adult", for purposes of IC 12-14-31, means an individual who:**

**(1) is at least eighteen (18) years of age;**

**(2) applies for or receives assistance under the TANF program or the food stamp program; and**

**(3) is a parent, legal guardian, or custodian of a child for whom education is compulsory under IC 20-33-2.**

SECTION 2. IC 12-7-2-28, AS AMENDED BY P.L.145-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. "Child" means the following:

(1) For purposes of **IC 12-14-31** and IC 12-17.2, an individual who is less than eighteen (18) years of age.

(2) For purposes of IC 12-26, the meaning set forth in IC 31-9-2-13(d).

SECTION 3. IC 12-7-2-87.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 87.9. "Food stamp program", for purposes of IC 12-14-31, means the federal Food Stamp Program under 7 U.S.C. 2011 et seq.**

SECTION 4. IC 12-7-2-169.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 169.9. (a) "School", for purposes of IC 12-14-2-23, has the meaning set forth in IC 12-14-2-23(b).

(b) "School", for purposes of IC 12-14-31, includes the following:

**(1) A public school (as defined in IC 20-18-2-15).**

**(2) A nonpublic school that has voluntarily become accredited under IC 20-19-2-8.**

SECTION 5. IC 12-8-1-13, AS AMENDED BY P.L.161-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) Subject to the appropriation limits established by the state's biennial budget for the office of the secretary and its divisions, and after assistance, including assistance under TANF (IC 12-14), medical assistance (IC 12-15), and food stamps (7 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance, the secretary may adopt rules under IC 4-22-2 to offer programs on a pilot or statewide basis to encourage recipients of assistance under IC 12-14 to become self-sufficient and discontinue dependence on public assistance programs. Programs offered under this subsection may do the following:

(1) Develop welfare-to-work programs.

(2) Develop home child care training programs that will

enable recipients to work by providing child care for other recipients.

(3) Provide case management and supportive services.

(4) Develop a system to provide for public service opportunities for recipients.

(5) Provide plans to implement the personal responsibility agreement under IC 12-14-2-21.

(6) Develop programs to implement the school attendance requirement under ~~IC 12-14-2-17~~. **IC 12-14-31.**

(7) Provide funds for county planning council activities under IC 12-14-22-13 (repealed).

(8) Provide that a recipient may earn up to the federal income poverty level (as defined in IC 12-15-2-1) before assistance under this title is reduced or eliminated.

(9) Provide for child care assistance, with the recipient paying fifty percent (50%) of the local market rate as established under 45 CFR 256 for child care.

(10) Provide for medical care assistance under IC 12-15, if the recipient's employer does not offer the recipient health care coverage.

(b) If the secretary offers a program described in subsection (a), the secretary shall annually report the results and other relevant data regarding the program to the legislative council in an electronic format under IC 5-14-6.

SECTION 6. IC 12-14-2-18, AS AMENDED BY P.L.161-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~(a) A recipient or dependent child who fails to meet the requirements of section 17 of this chapter is subject to the revocation or suspension of assistance as provided under rules adopted by the division:~~

~~(b) A TANF recipient or applicant who refuses to participate in an employment opportunity or a job training opportunity offered to the recipient or applicant under IC 12-8-12 is subject to sanctions established by the director under IC 12-8-12-6(2).~~

SECTION 7. IC 12-14-31 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:**

**Chapter 31. School Attendance Requirements Under the Temporary Assistance for Needy Families Program and the Food Stamp Program**

**Sec. 1. This chapter applies to a family that includes the following:**

**(1) A member of the family who has applied for or receives assistance under the TANF program or the food stamp program.**

**(2) A child for whom education is compulsory under IC 20-33-2 and who resides in the family home.**

**Sec. 2. (a) A family may not receive assistance under the TANF program or the food stamp program unless an adult provides written consent under subsection (b) for the release of school attendance records for a child who:**

**(1) resides in the family home; and**

**(2) is required to attend school under IC 20-33-2.**

**(b) The written consent required by subsection (a) must include the following:**

**(1) The name of the child who resides in the family home.**

**(2) The name of the school the child attends or will attend. If the child does not attend a school, the written consent must include a statement that the child is provided instruction at a place other than a school.**

**(3) A statement authorizing the release of the school attendance records of the child if the child attends a school.**

**(4) The signature of the adult.**

**(5) Any other information necessary to obtain the school attendance records of the child as determined by the division.**

**Sec. 3. The division shall send the following to the**

principal (as defined in IC 20-18-2-14) of a school listed on a written consent:

- (1) A list of the children who:
  - (A) attend the school or will attend the school according to the division's records; and
  - (B) reside in the family home of a family that receives assistance under the TANF program or the food stamp program.
- (2) A copy of the written consent described in section 2(b) of this chapter for each child described in subdivision (1).
- (3) A statement to the principal that the principal is required to provide the following:
  - (A) Notice to the division if a child on the list provided under subdivision (1) is designated as a habitual truant as defined by the governing body of the school corporation under IC 20-33-2-11(b).
  - (B) A copy of school attendance records of a child on the list provided under subdivision (1) upon the request of the division.
  - (C) Notice to the division if a child on the list provided under subdivision (1):
    - (i) does not attend the school; or
    - (ii) withdraws from the school.

Sec. 4. (a) If a child has been designated a habitual truant, the division shall:

- (1) review the child's school attendance records with the adult; and
- (2) request the adult who signed the written consent under section 2 of this chapter to show good cause for the child's failure to attend school.

(b) To determine whether the adult shows good cause for the child's failure to attend school, the division shall consider whether the following circumstances exist:

- (1) The child is:
  - (A) a minor parent; and
  - (B) the caretaker;
 of a child less than twelve (12) weeks old.
- (2) The child:
  - (A) is a minor parent;
  - (B) requires child care services for the minor parent's child; and
  - (C) does not have child care available.
- (3) The child is prohibited from attending school and an expulsion is pending.
- (4) The child failed to attend school for one (1) or more of the following reasons as determined by the division:
  - (A) Illness, injury, or incapacity of the child or the minor parent's child.
  - (B) Court required appearances or temporary incarceration.
  - (C) Medical or dental appointments for the child or the minor parent's child.
  - (D) Death of a close relative.
  - (E) Observance of a religious holiday.
  - (F) Family emergency.
  - (G) Breakdown in transportation.
  - (H) Suspension of the child.
  - (I) Any other circumstances beyond control of the child or the adult.

Sec. 5. If an adult is unable to show good cause under section 4 of this chapter for a child's failure to attend school, the division shall provide written notice to the adult that notifies the adult of the following:

- (1) The adult has thirty (30) days to improve the child's school attendance.
- (2) If the adult fails to improve the child's school attendance, the family shall be sanctioned as described in section 6 of this chapter.
- (3) If the child is designated for a second or subsequent

time as a habitual truant within the same school year (as defined in IC 20-18-2-17) that the adult receives the notice under this section, the family shall be sanctioned as described in section 7 of this chapter.

Sec. 6. (a) If an adult fails to improve a child's school attendance within thirty (30) days as set forth in section 5 of this chapter, the division shall:

- (1) sanction the family by reducing for sixty (60) days the amount of the family's assistance under the TANF program and the food stamp program by fifty percent (50%); and
- (2) provide notice to the family that:
  - (A) the family has been sanctioned for sixty (60) days in the amount of fifty percent (50%) of the assistance the family receives under the TANF program and the food stamp program; and
  - (B) if the adult fails to improve the child's school attendance within sixty (60) days after receipt of the notice under this section, the family will be ineligible for assistance under the TANF program and the food stamp program for six (6) months.

(b) If an adult fails to improve a child's school attendance within sixty (60) days after the date the adult receives the notice under subsection (a), the family is ineligible for assistance under the TANF program and the food stamp program for six (6) months.

Sec. 7. If:

- (1) an adult receives a notice under section 5 of this chapter;
- (2) the adult improves the child's attendance;
- (3) after the improvement in attendance described in subdivision (2), the child is designated a habitual truant for a second or subsequent time within the same school year (as defined in IC 20-18-2-17) that the adult receives the notice under section 5 of this chapter; and
- (4) the adult is unable to show good cause for the child's failure to attend school;

the family is ineligible for assistance under the TANF program and the food stamp program for six (6) months.

Sec. 8. (a) If a family is ineligible for assistance under section 6(b) or 7 of this chapter, a family member may apply for assistance under the TANF program or the food stamp program after the six (6) month period of ineligibility.

(b) If a family member applies for assistance under the TANF program or the food stamp program after a six (6) month period of ineligibility under section 6 or 7 of this chapter, the division shall request and review the school records of a child residing in the family home before approving a member of the family for assistance under the TANF program or the food stamp program.

(c) If school attendance of the child does not improve, the family is ineligible for assistance under the TANF program and the food stamp program for an additional six (6) months.

Sec. 9. The division may adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 8. IC 12-15-2-0.5, AS AMENDED BY P.L.161-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

- (1) under sections 13 through 16 of this chapter;
- (2) under section 6 of this chapter when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or
- (3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

- (1) IC 12-8-1-13.

- (2) IC 12-14-1-1.
- (3) IC 12-14-1-1.5.
- (4) IC 12-14-2-5.1.
- (5) IC 12-14-2-5.2.
- (6) IC 12-14-2-5.3.
- ~~(7) IC 12-14-2-17.~~
- ~~(8)~~ (7) IC 12-14-2-18.
- ~~(9)~~ (8) IC 12-14-2-20.
- ~~(10)~~ (9) IC 12-14-2-21.
- ~~(11)~~ (10) IC 12-14-2-24.
- ~~(12)~~ (11) IC 12-14-2-25.
- ~~(13)~~ (12) IC 12-14-2-26.
- ~~(14)~~ (13) IC 12-14-2.5.
- ~~(15)~~ (14) IC 12-14-5.5.
- (15) IC 12-14-31.
- (16) Section 21 of this chapter.
- ~~(17) IC 12-15-5-3."~~

Page 2, after line 22, begin a new paragraph and insert:

"SECTION 11. IC 20-33-2-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 48. A principal who receives information listed in IC 12-14-31-3 from the division of family resources shall provide the following to the division of family resources:**

- (1) Notice if a child on the list provided under IC 12-14-31-3 is designated as a habitual truant under the definition of habitual truant established by the governing body under section 11(b) of this chapter.
- (2) A copy of the school attendance records of a child on the list provided under IC 12-14-31-3 upon the request of the division of family resources.

SECTION 12. IC 12-14-2-17 IS REPEALED [EFFECTIVE JULY 1, 2008]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1234 as printed January 25, 2008.)

HINKLE

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Hinkle's amendment (1234-4) is not germane to House Bill 1234, pursuant to Rule 80. Representative Hinkle's amendment concerns enforcement of truancy policies through TANF penalties. The underlying bill concerns school attendance records and enforcement. The two are very much related.

FOLEY  
HINKLE

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 101: yeas 51, nays 46. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

#### House Bill 1245

Representative Austin called down House Bill 1245 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1245-3)

Mr. Speaker: I move that House Bill 1245 be amended to read as follows:

Page 5, delete lines 39 through 42, begin a new paragraph and

insert:

#### "Chapter 42. Transit Development Districts

**Sec. 1. This chapter applies only to units:**

- (1) that are not townships; and
- (2) that are located within the boundaries of a regional transit authority.

**Sec. 2. As used in this chapter, "gross retail base period amount" means the total amount of state gross retail and use taxes remitted under IC 6-2.5 by the businesses operating in the territory comprising a transit development district during the full state fiscal year that precedes the date on which the transit development district was established under section 5 of this chapter.**

**Sec. 3. As used in this chapter, "gross retail incremental amount" means the remainder of:**

- (1) the total amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the territory comprising a transit development district during a state fiscal year; minus
- (2) the gross retail base period amount;

**as determined by the department of state revenue.**

**Sec. 4. As used in this chapter, "regional transit authority" means an entity:**

- (1) that is eligible to receive federal transportation funding under Title 49 of the United States Code; and
- (2) that is either:
  - (A) a regional transportation authority established under IC 36-9-3; or
  - (B) the northwest Indiana regional development authority established under IC 36-7.5-2-1.

**Sec. 5. The fiscal body of a unit may adopt an ordinance to establish a transit development district. The ordinance creating a transit development district must specify the territorial boundaries of the district. The territorial boundaries of the district may not extend beyond the boundaries of the regional transit authority within which the unit is located.**

**Sec. 6. The fiscal body of a unit may adopt an ordinance to dissolve a transit development district that was created by the unit. However, the fiscal body of a unit may not adopt an ordinance to dissolve the transit development district under this subsection earlier than the date three (3) years after the date on which the ordinance creating the transit development district was adopted.**

**Sec. 7. Before the first business day in October of each year, the department of state revenue shall calculate the gross retail incremental amount for the preceding state fiscal year for each transit development district designated under this chapter.**

**Sec. 8. (a) The treasurer of state shall establish an incremental tax financing fund. The treasurer of state shall establish an account within the incremental tax financing fund for each transit development district designated under this chapter. The treasurer of state shall administer the fund. Money in the fund does not revert to the state general fund at the end of a state fiscal year.**

**(b) Subject to subsection (c), during each state fiscal year the department of state revenue shall deposit in the account established for a transit development district under subsection (a) the total amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the transit development district, until the amount of state gross retail and use taxes deposited equals the gross retail incremental amount for the transit development district.**

**(c) Not more than five million dollars (\$5,000,000) may be deposited in a particular account established under subsection (a) for a transit development district over the life of the transit development district.**

**(d) On or before the twentieth day of each month, the**

treasurer of state shall distribute all amounts held in the account established under subsection (a) for a transit development district to the unit that established the transit development district for deposit in the transit development district tax increment fund established under section 9(a) of this chapter.

Sec. 9. (a) Each unit that establishes a transit development district under this chapter shall establish a transit development district tax increment fund to receive money distributed to the unit under section 8 of this chapter.

(b) The fiscal body of a unit that creates a transit development district shall appropriate money deposited in the unit's transit development district tax increment fund to the regional transit authority whose boundaries contain the transit development district.

Sec. 10. (a) Except as provided in subsection (b), a regional transit authority shall use the funds appropriated to the regional transit authority under section 9(b) of this chapter for the purposes authorized by the statute under which the regional transit authority was established as referred to in section 4(2) of this chapter.

(b) Except as provided in subsection (c), each regional transit authority receiving an appropriation under section 9(b) of this chapter shall deposit twenty-five percent (25%) of each appropriation into the regional transportation authority formation fund established under IC 8-23-28-1.

(c) A regional transit authority is not required to make the deposit required under subsection (b) if the total of all deposits made by regional transit authorities under subsection (b) has reached one million dollars (\$1,000,000)."

Delete pages 6 through 7.

Page 8, delete lines 1 through 35.

(Reference is to HB 1245 as printed January 25, 2008.)

AUSTIN

Motion prevailed.

#### HOUSE MOTION (Amendment 1245-1)

Mr. Speaker: I move that House Bill 1245 be amended to read as follows:

Page 6, line 14, delete "amount;" and insert **"amount plus the amount of growth of the state gross retail and use tax based on the Consumer Price Index that would be expected to occur without the presence of the transit district;"**.

(Reference is to HB 1245 as printed January 25, 2008.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1246

Representative Austin called down House Bill 1246 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1246-1)

Mr. Speaker: I move that House Bill 1246 be amended to read as follows:

Page 4, line 40, delete "A" and insert **"Subject to an appropriation by the general assembly, a"**.

(Reference is to HB 1246 as printed January 25, 2008.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1273

Representative Tincher called down House Bill 1273 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1273-1)

Mr. Speaker: I move that House Bill 1273 be amended to read as follows:

Page 5, line 17, after "fund" insert **"from the state general fund an amount sufficient to maintain the fund balance at"**.

Page 5, line 18, after "(\$1,000,000)" insert ".".

Page 5, line 18, delete "from the state general fund."

(Reference is to HB 1273 as printed January 25, 2008.)

TINCHER

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1288

Representative Summers called down House Bill 1288 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1288-1)

Mr. Speaker: I move that House Bill 1288 be amended to read as follows:

Page 1, delete line 1 through 17.

Delete page 2.

Page 3, delete line 1 through 41.

Page 4, line 2, delete "2008];" and insert "2009];".

Page 4, line 4, delete "Definitions" and insert **"Penalty for Activity by Noncertified Individuals"**.

Page 4, delete lines 5 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 33.

Page 7, line 34, delete "7." and insert **"1."**.

Page 7, line 34, delete "not" and insert **"not:**

**(1)"**.

Page 7, line 34, delete "board certified;" and insert **"certified behavior analyst; or"**.

Page 7, delete line 35.

Page 7, line 36, delete "associate behavior analyst;" and insert **"use the initials "BCBA" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified behavior analyst;"**.

Page 7, line 37, delete "maintains, respectively," and insert **"maintains"**.

Page 7, line 38, delete "or certified associate behavior analyst"

Page 7, delete lines 41 through 42, begin a new paragraph and insert:

**"Sec. 2. An individual who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor."**

Delete page 8.

Renumber all SECTION consecutively.

(Reference is to HB 1288 as printed January 25, 2008.)

SUMMERS

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1360

Representative Bardon called down House Bill 1360 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1360-2)

Mr. Speaker: I move that House Bill 1360 be amended to read as follows:

Replace the effective date in SECTION 4 with "[EFFECTIVE JULY 1, 2008]".

Page 3, line 13, strike "Before" and insert **"Except as provided in section 3.5 of this chapter, in addition to"**.

Page 4, line 3, delete ":".

Page 4, line 4, delete "(1)".

Page 4, run in lines 3 through 4.

Page 4, line 7, delete "; and" and insert ".".

Page 4, delete lines 8 through 11.

Page 4, run in lines 7 through 12.

Page 4, between lines 36 and 37, begin a new paragraph and

insert:

"SECTION 4. IC 6-1.1-5.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.5. (a) This section applies to a conveyance that:

(1) is a single family residential:

(A) first lien purchase money mortgage transaction; or

(B) refinancing transaction; and

(2) is closed after December 31, 2009.

(b) Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system for the collection and storage of the sales disclosure form data set forth in section 5(a) of this chapter with respect to a conveyance to which this section applies.

(c) The system established by the department under this section must include a form that:

(1) is uniformly accessible in an electronic format to the closing agent (as defined in IC 6-1.1-12-43(a)(2)) in the transaction; and

(2) allows the closing agent to:

(A) input the sales disclosure form data set forth in section 5(a) of this chapter with respect to the transaction; and

(B) submit the form electronically to a data base maintained by the department of local government finance.

(d) Subject to subsection (e), the department shall make the information stored in the data base described in subsection (c)(2)(B) accessible to:

(1) county auditors;

(2) county assessors;

(3) township assessors;

(4) the legislative services agency; and

(5) the department;

for the purposes authorized by section 3(c) and 3(d) of this chapter.

(e) If the sales disclosure form data submitted by a closing agent under subsection (c)(2)(B) includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential."

Page 4, line 42, delete "following:" and insert "following".

Page 4, line 42, reset in roman "information:".

Page 5, delete lines 29 through 42.

Page 6, delete lines 1 through 22.

Page 6, line 23, reset in roman "(16)".

Page 6, line 23, delete "(21)".

Page 6, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-5.5-6, AS AMENDED BY P.L.154-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) **Subject to subsection (c),** the county auditor may not **refuse to** accept a conveyance document ~~if~~ **solely because**:

(1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; ~~or~~

(2) the sales disclosure form does not contain the information described in section 5(a) of this chapter; ~~or~~

(3) **in the case of a conveyance to which section 3.5 of this chapter applies:**

(A) the closing agent fails to submit an electronic form in accordance with section 3.5(c)(2)(B) of this chapter; or

(B) the electronic form submitted by the closing agent under section 3.5(c)(2)(B) of this chapter is incomplete or determined by any official or agency described in section 3.5(d) of this chapter to be inaccurate.

(b) **Subject to subsection (c),** the county recorder ~~shall not~~ **may not refuse to** record a conveyance document ~~without~~ **evidence that the parties have filed a completed sales disclosure form with the county auditor:** solely on the basis of any of the reasons set forth in subsection (a).

(c) **Notwithstanding subsections (a) and (b), if any of the circumstances described in subsection (a)(1) through (a)(3) apply:**

(1) a party to the conveyance who is required to file a sales disclosure form under section 3 of this chapter:

(A) is not relieved of the party's duty to file or correct the sales disclosure form required by this chapter; and

(B) is subject to the penalties set forth in section 12 of this chapter; and

(2) a closing agent who is required to submit an electronic sales disclosure form under section 3.5(c)(2)(B) of the chapter:

(A) is not relieved of the closing agent's duty to submit or correct the electronic sales disclosure form required by section 3.5(c)(2)(B) this chapter; and

(B) is subject to the penalties set forth in section 12(f) of this chapter.

SECTION 7. IC 6-1.1-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) **Except as provided in subsection (b),** a person who signs a sales disclosure form shall attest in writing and under penalties of perjury that to the best of the person's knowledge and belief the information contained in the sales disclosure form is true and correct.

(b) **An electronic sales disclosure form that is submitted in accordance with section 3.5(c)(2)(B) of this chapter is subject to any verification requirements that the department may prescribe by rule adopted under IC 4-22-2.**

SECTION 8. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) **Except as provided in subsection (f),** a party to a conveyance who:

(1) is required to file a sales disclosure form under this chapter; and

(2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) **Except as provided in subsection (f),** the township assessor in a county containing a consolidated city, or the county assessor in any other county, shall:

(1) determine the penalty imposed under this section;

(2) assess the penalty to the party to a conveyance; and

(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) **Except as provided in subsection (f),** the county auditor shall:

(1) collect the penalty imposed under this section;

(2) deposit penalty collections as required under section 4 of this chapter; and

(3) notify the county prosecuting attorney of delinquent payments.

(e) **Except as provided in subsection (f),** the county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

**(f) A closing agent who:**

- (1) is required to submit an electronic sales disclosure form under section 3.5(c)(2)(B) of this chapter; and
- (2) fails to submit the electronic sales disclosure form at the time and in the manner prescribed by the department of local government finance;

is subject to the penalty set forth in IC 6-1.1-12-43(h)."

Page 7, line 40, delete "The" and insert "Except as provided in subsection (d), the".

Page 8, line 4, delete "For use in transactions involving a first lien purchase money" and insert "As used in this subsection, "transaction" has the meaning set forth in section 43(a)(4) of this chapter. Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system that automatically applies the deduction provided by section 1 of this chapter to a person entitled to the deduction provided by section 1 of this chapter. The system established by the department under this subsection must include a form that, with respect to a transaction that is closed after December 31, 2009:

- (1) is uniformly accessible in an electronic format to the closing agent (as defined in section 43(a)(2) of this chapter) in the transaction that is the basis for the person's eligibility for the deduction provided by section 1 of this chapter; and
- (2) allows the closing agent to:
  - (A) input the information concerning the transaction that is the basis for the person's eligibility for the deduction provided by section 1 of this chapter; and
  - (B) submit the form electronically to a data base maintained by the department of local government finance.

The department shall make the data base described in subdivision (2)(B) accessible to the county auditor in each county in Indiana. If the form submitted by a closing agent under subdivision (2)(B) is complete, the county auditor in the county in which the real property is located must accept the form and apply the deduction in accordance with section 17.8(c) of this chapter. The county auditor may not require the closing agent, the person entitled to the deduction, or any other person to provide any other information or form of identification for the person entitled to the deduction under section 1 of chapter to receive the deduction. If the form submitted by a closing agent under subdivision (2)(B) includes the telephone number or Social Security number of any individual, the telephone number or Social Security number is confidential."

Page 8, delete lines 5 through 15.

Page 8, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-12-42.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42.5. (a) This section applies to a transaction that:

- (1) is a single family residential:
  - (A) first lien purchase money mortgage transaction; or
  - (B) refinancing transaction; and
- (2) is closed after December 31, 2009.

(b) Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system for the collection and storage of the following information concerning any of the following persons that have participated in or assisted with a transaction to which this section applies, or that will participate in or assist with a transaction to which this section applies:

- (1) The name and license number (under IC 23-2-5) of each loan brokerage business involved in the transaction.

(2) The name and registration number (under IC 23-2-5) of each originator involved in the transaction.

(3) The name and license number (under IC 25-34.1) of each:

(A) principal broker; and

(B) salesperson or broker-salesperson, if any; involved in the transaction.

(4) The name and certificate number (under IC 27-7-3) of each title insurance company involved in the transaction.

(5) The name and license number (under IC 27-1-15.6) of each title insurance agent involved in the transaction.

(6) The name and:

(A) license or certificate number (under IC 25-34.1-3-8) of each licensed or certified real estate appraiser; or

(B) license number (under IC 25-34.1) of each broker;

who appraises the property that is the subject of the transaction.

(7) The name of the mortgagee and, if the mortgagee is required to be licensed under IC 24-4.5-3-502, the license number of the mortgagee.

(c) The system established by the department under this section must include a form that:

(1) is uniformly accessible in an electronic format to the closing agent (as defined in section 43(a)(2) of this chapter) in the transaction; and

(2) allows the closing agent to:

(A) input the information described in subsection (b) with respect to each person described in subsection

(b) that participates in or assists with the transaction, to the extent determinable; and

(B) submit the form electronically to a data base maintained by the department of local government finance.

(d) Subject to subsection (e), the department shall make the information stored in the data base described in subsection (c)(2)(B) accessible to:

(1) each entity described in IC 4-6-12-4; and

(2) the homeowner protection unit established under IC 4-6-12-2.

(e) The department, a closing agent who submits under subsection (c), each entity described in IC 4-6-12-4, and the homeowner protection unit established under IC 4-6-12-2 shall exercise all necessary caution to avoid disclosure of any information:

(1) concerning a person described in subsection (b), including the person's license, registration, or certificate number; and

(2) contained in the data base described in subsection (c)(2)(B);

except to the extent required or authorized by state or federal law."

Page 9, line 20, delete "2008:" and insert "2008, and before January 1, 2010:".

Page 9, delete lines 21 through 24.

Page 9, line 25, delete "(2)" and insert "(1)".

Page 9, line 27, delete "the sales disclosure form prescribed by the" and insert "if the transaction is a first lien purchase money mortgage transaction, the sales disclosure form prescribed by the department under IC 6-1.1-5.5-5, the form prescribed by the department under IC 6-1.1-20.9-3 to allow a person to claim the credit provided by IC 6-1.1-20.9-2, and the form prescribed by the department under section 2(a) of this chapter to allow a person to claim the deduction provided by section 1 of this chapter; or

(ii) if the transaction is a refinancing transaction, the form prescribed by the department under

**section 2(a) of this chapter to allow a person to claim the deduction provided by section 1 of this chapter."**

Page 9, delete lines 28 through 34.

Page 9, line 35, delete "subject to subsection (f),".

Page 9, line 36, delete "form" and insert **"forms"**.

Page 9, line 37, delete "subject to subsection (f),".

Page 9, line 37, delete "form" and insert **"forms"**.

Page 9, line 39, delete "(3)" and insert **"(2)"**.

Page 9, line 39, delete "closing:" and insert **"closing,"**.

Page 9, line 40, delete "(A)".

Page 9, run in lines 39 through 40.

Page 9, line 41, after "this" insert **"chapter by providing the customer with the form prescribed by the department under subsection (b)."**

Page 9, delete line 42.

Page 10, delete lines 1 through 6.

Page 10, line 8, delete "2008." and insert **"2008, and before January 1, 2010."**

Page 10, line 8, delete "a form" and insert **"the forms"**.

Page 10, line 9, delete "(d)(2)(B)" and insert **"(d)(1)(B)"**.

Page 10, line 11, delete "file the signed sales" and insert **"file:**

**(A) the signed sales disclosure form with the appropriate county assessor and county auditor in accordance with IC 6-1.1-5-3;**

**(B) the signed mortgage deduction form in accordance with section 2(a) of the chapter; and**

**(C) the signed homestead credit form in accordance with IC 6-1.1-20.9-3."**

Page 10, delete lines 12 through 13.

Page 10, between lines 16 and 17, begin a new paragraph and insert:

**"(f) This subsection applies to a transaction that is closed after December 31, 2009. The closing agent shall do the following:**

**(1) At the time of the closing, inform the customer of the deductions available under sections 9, 11, 13, 14, 16, 17.4, 26, 29, 31, 33, and 34 of this chapter by providing the customer with the form prescribed by the department under subsection (b).**

**(2) As soon as possible after the closing, and within the time prescribed by the department of local government finance:**

**(A) for a transaction that is a first lien purchase money mortgage transaction:**

**(i) input the electronic sales disclosure form data and submit the electronic sales disclosure form in accordance with IC 6-1.1-5.5-3.5(c)(2);**

**(ii) input the information and submit the form described in IC 6-1.1-20.9-3(d)(2) to enable the customer to receive the credit provided by IC 6-1.1-20.9-2;**

**(iii) input the information and submit the form described in section 2(d)(2) of this chapter to enable the customer to receive the deduction provided by section (1) of this chapter; and**

**(iv) input the information and submit the form described in IC 6-1.1-12-42.5(c)(2); and**

**(B) for a refinancing transaction:**

**(i) input the information and submit the form described in section 2(d)(2) of this chapter to enable the customer to receive the deduction provided by section (1) of this chapter; and**

**(ii) input the information and submit the form described in IC 6-1.1-12-42.5(c)(2), to the extent applicable."**

Page 10, line 17, delete "(f)" and insert **"(g)"**.

Page 10, line 20, delete "At the time of the closing, a customer may refuse to:".

Page 10, delete lines 21 through 27.

Page 10, line 28, delete "(g)" and insert **"(h)"**.

Page 10, line 36, delete "(h)" and insert **"(i)"**.

Page 10, line 39, delete "or".

Page 10, between lines 39 and 40, begin a new line block indented and insert:

**"(2) with respect to a transaction that is closed after June 30, 2008, and before January 1, 2010, the closing agent's failure to file a document under subsection (e); (3) with respect to a transaction that is closed after December 31, 2009, the closing agent's failure to input any information or submit any form described in subsection (f)(2); or"**

Page 10, line 40, delete "(2)" and insert **"(4)"**.

Page 10, line 42, delete "(i)" and insert **"(j)"**.

Page 11, line 4, delete "(g)." and insert **"(h)."**

Page 12, line 6, delete "For use in transactions involving a conveyance (as defined in" and insert **"As used in this subsection, "transaction" has the meaning set forth in section 43(a)(4)(A) of this chapter. Not later than September 1, 2009, the department of local government finance shall establish and maintain an electronic system that automatically applies the credit provided by section 2 of this chapter to a person entitled to the credit provided by section 2 of this chapter. The system established by the department under this subsection must include a form that, with respect to a transaction that is closed after December 31, 2009:**

**(1) is uniformly accessible in an electronic format to the closing agent (as defined in section 43(a)(2) of this chapter) in the transaction that is the basis for the person's eligibility for the credit provided by section 2 of this chapter; and**

**(2) allows the closing agent to:**

**(A) input the information concerning the transaction that is the basis for the person's eligibility for the credit provided by section 2 of this chapter; and**

**(B) submit the form electronically to a data base maintained by the department of local government finance.**

The department shall make the data base described in subdivision (2)(B) accessible to the county auditor in each county in Indiana. If the form submitted by a closing agent under subdivision (2)(B) is complete, the county auditor in the county in which the real property is located must accept the form and apply the credit in accordance with section 2(f) of this chapter. The county auditor may not require the closing agent, the person entitled to the credit, or any other person to provide any other information or form of identification for the person entitled to the credit under section 2 of chapter to receive the credit. If the form submitted by a closing agent under subdivision (2)(B) includes the telephone number or Social Security number of any individual, the telephone number or Social Security number is confidential."

Page 12, delete lines 7 through 42.

Delete pages 13 through 22.

Page 23, delete lines 1 through 4, begin a new paragraph and insert:

**"SECTION 13. IC 20-24-8-5, AS AMENDED BY P.L.2-2006, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:**

**(1) IC 5-11-1-9 (required audits by the state board of accounts).**

**(2) IC 20-39-1-1 (unified accounting system).**

**(3) IC 20-35 (special education).**

**(4) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).**

**(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).**

**(6) IC 20-28-7-14 (void teacher contract when two (2)**



contracts are signed).

(7) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(8) IC 20-28-10-14 (teacher freedom of association).

(9) IC 20-28-10-17 (school counselor immunity).

(10) For conversion charter schools only, IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(11) IC 20-33-2 (compulsory school attendance).

(12) IC 20-33-3 (limitations on employment of children).

(13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

(14) IC 20-33-8-16 (firearms and deadly weapons).

(15) IC 20-34-3 (health and safety measures).

(16) IC 20-33-9 (reporting of student violations of law).

(17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

(19) IC 20-33-7 (parental access to education records).

(20) IC 20-31 (accountability for school performance and improvement).

**(21) Beginning with the school year that begins in the calendar year beginning January 1, 2010, IC 20-30-5-19 (instruction concerning consumer transactions and personal financial responsibility).**

SECTION 14. IC 20-30-5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 19. (a) Beginning with the school year that begins in the calendar year beginning January 1, 2010, each school corporation (including each charter school) and each nonpublic school that voluntarily has become accredited under IC 20-19-2-8 shall include in its curriculum for all students in grades 9 through 12 instruction designed to:**

- (1) increase students' awareness of certain consumer transactions, including mortgage transactions; and**
- (2) foster personal financial responsibility.**

**(b) A school corporation (including a charter school) and a nonpublic school that voluntarily has become accredited under IC 20-19-2-8 may meet the requirements of subsection (a) by:**

- (1) integrating the instruction described in subsection (a) in its required mathematics curriculum; or**
- (2) conducting a separate class or seminar that includes the instruction described in subsection (a).**

**(c) A person may not receive a high school diploma from a school subject to this section unless the person has received the instruction required by this section.**

**(d) The department, in collaboration with the department of financial institutions established by IC 28-11-1-1, shall develop guidelines and the state board shall adopt rules under IC 4-22-2 to assist teachers assigned to provide the instruction required by this section."**

Page 26, line 9, delete "However, if the commissioner seeks evidence of".

Page 26, delete lines 10 through 19.

Page 26, line 22, delete "may" and insert "shall".

Page 40, line 18, delete "'fully indexed rate' means:" and insert "'creditworthiness', with respect to a prospective borrower, means those factors likely to affect the prospective borrower's ability to repay a loan at the loan's fully indexed rate, including the following:

**(1) The prospective borrower's present and future:**

- (A) income, not including overtime payments, seasonal compensation, or other irregular income;**
- (B) expenses, including property taxes and insurance payments owed in connection with the property that is the subject of the loan;**

**(C) assets; and**

**(D) liabilities.**

**(2) The prospective borrower's credit history.**

**(3) Any other factor likely to affect the prospective borrower's ability to repay the loan at the loan's fully indexed rate.**

**(b) As used in this section, "fully indexed rate means:"**

Page 40, between lines 29 and 30, begin a new paragraph and insert:

**"(c) For purposes of this section, a person conducts a "reasonable inquiry" into a prospective borrower's creditworthiness if the person:**

**(1) obtains a consumer report (as defined in IC 24-5-24-2) or other information maintained by a consumer reporting agency (as defined in IC 24-5-24-3) with respect to the prospective borrower; and**

**(2) obtains information about the prospective borrower through:**

**(A) a current or past employer of the prospective borrower;**

**(B) public records; or**

**(C) any other legal or commercially reasonable means."**

Page 40, line 30, delete "(b)" and insert "(d)".

Page 41, line 12, delete "borrowers." and insert "borrowers, unless the personal information is:

**(A) included as part of:**

**(i) an application form; or**

**(ii) a document that is used in connection with an application process or an enrollment process;**

**(B) used to obtain a consumer report (as defined in IC 24-5-24-2) for an applicant for credit; or**

**(C) used to establish, amend, or terminate an account, a contract, or a policy, or to confirm the accuracy of the personal information.**

**However, personal information allowed to be disclosed under this subdivision may not be printed in whole or in part on a postcard or other mailer that does not require an envelope, or in a manner that makes the personal information visible on an envelope or a mailer without the envelope or mailer being opened."**

Page 41, line 19, delete "borrower, without reasonable grounds to believe" and insert "borrower without first conducting a reasonable inquiry concerning the prospective borrower's creditworthiness."

Page 41, delete lines 20 through 28.

Page 41, line 29, delete "(c)" and insert "(e)".

Page 41, line 29, after "subsection" delete "(b)" and insert "(d)".

Page 44, delete lines 5 through 6.

Page 48, line 30, delete "Except that not more than twenty-five percent (25%) of the".

Page 48, delete line 31.

Page 48, line 32, delete "transaction may be precomputed, this" and insert "This".

Page 48, run in lines 30 through 32.

Page 50, delete lines 10 through 42.

Page 51, delete lines 1 through 16.

Page 52, line 11, delete "transaction. The creditor or mortgage servicer shall" and insert "transaction and with respect to which any installment or minimum payment due is delinquent for at least ten (10) days. The creditor, servicer, or the creditor's agent shall acknowledge".

Page 52, line 12, delete "respond to".

Page 52, line 13, delete "calendar" and insert "business".

Page 52, line 14, after "offer." insert "The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or

**creditor's agent to do so. Not later than twenty (20) business days after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer."**

Page 53, line 42, delete "Except that not more than twenty-five percent (25%) of the".

Page 54, delete line 1.

Page 54, line 2, delete "transaction may be precomputed, this" and insert "This".

Page 53, run in line 42 through page 54, line 2.

Page 56, delete lines 27 through 42.

Page 57, delete lines 1 through 34.

Page 58, line 7, reset in roman "or".

Page 58, line 8, delete ";" and insert ".".

Page 58, delete lines 9 through 13.

Page 59, line 8, delete "transaction. The creditor or mortgage servicer shall" and insert **"transaction and with respect to which any installment or minimum payment due is delinquent for at least ten (10) days. The creditor, servicer, or the creditor's agent shall acknowledge"**.

Page 59, line 9, delete "respond to".

Page 59, line 10, delete "calendar" and insert **"business"**.

Page 59, line 11, after "offer." insert **"The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than twenty (20) business days after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer."**

Page 59, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 39. IC 24-4.5-3-402, AS AMENDED BY P.L.217-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 402. (1) Except as provided in IC 24-9-4-3 with respect to a high cost home loan (as defined in IC 24-9-2-8), with respect to a consumer loan, other than one pursuant to a revolving loan account or one on which only loan finance charges are payable prior to the time that the final scheduled payment is due, if any scheduled payment is more than twice as large as the average of earlier scheduled payments, the debtor has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable to the debtor than the terms of the original loan. This section does not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the debtor.

(2) For the purposes of this section, "terms of the refinancing" means:

(a) in the case of a fixed-rate consumer loan, the individual payment amounts, the charges as a result of default by the debtor, and the rate of the loan finance charge; and

(b) in the case of a variable rate consumer loan, the method used to determine the individual payment amounts, the charges as a result of default by the debtor, the method used to determine the rate of the loan finance charge, the circumstances under which the rate of the loan finance charge may increase, and any limitations on the increase in the rate of the loan finance charge.

(3) If a consumer loan is made under the authority of the Alternative Mortgage Transaction Parity Act (12 U.S.C. 3802 et seq.), the note evidencing the mortgage must contain a reference to the applicable federal law.

**(4) This section does not apply to a first lien mortgage transaction."**

Page 60, line 11, delete "Except that not more than twenty-five percent (25%) of the".

Page 60, delete line 12.

Page 60, line 13, delete "transaction may be precomputed, this" and insert "This".

Page 60, run in lines 11 through 13.

Page 61, line 24, before "Mortgage" insert **"First Lien"**.

Page 61, delete lines 25 through 42, begin a new paragraph and insert:

**"Sec. 102. Except as provided in section 103 of this chapter, the following do not apply to a first lien mortgage transaction under this chapter:**

(a) IC 24-4.5-1.

(b) IC 24-4.5-2.

(c) IC 24-4.5-3.

(d) IC 24-4.5-4.

(e) IC 24-4.5-5.

(f) IC 24-4.5-6.

(g) IC 24-4.5-7.

**Sec. 103. (1) The following apply to first lien mortgage transactions under this chapter:**

(a) IC 24-4.5-1-101 through IC 24-4.5-1-108 and IC 24-4.5-1-201 through IC 24-4.5-1-302.

(b) IC 24-4.5-2-104, IC 24-4.5-2-105, IC 24-4.5-2-107, IC 24-4.5-2-111, IC 24-4.5-2-208, IC 24-4.5-2-209, IC 24-4.5-2-301, IC 24-4.5-2-407, IC 24-4.5-2-413 through IC 24-4.5-2-415, IC 24-4.5-2-501, and IC 24-4.5-2-502.

(c) IC 24-4.5-3-101, IC 24-4.5-3-103, IC 24-4.5-3-104, IC 24-4.5-3-106 through IC 24-4.5-3-109, IC 24-4.5-3-207, IC 24-4.5-3-208, IC 24-4.5-3-301, IC 24-4.5-3-403 through IC 24-4.5-3-405, IC 24-4.5-3-407, IC 24-4.5-3-408, IC 24-4.5-3-503 through IC 24-4.5-3-505, IC 24-4.5-3-506, IC 24-4.5-3-507, IC 24-4.5-3-512, IC 24-4.5-3-606, IC 24-4.5-3-701.

(d) IC 24-4.5-4-101 through IC 24-4.5-4-305.

(e) IC 24-4.5-5-101 through IC 24-4.5-5-302.

(f) IC 24-4.5-6-101, IC 24-4.5-6-103 through IC 24-4.5-6-202, and IC 24-4.5-6-204.

(2) A reference to a consumer loan in any provision set forth in paragraph (1) shall be considered a reference to a first lien mortgage transaction for purposes of this chapter.

**Sec. 104. As used in this chapter, "tablefunding" means a transaction in which:**

(a) a person closes a loan in the person's own name as a mortgagee with funds provided by others; and

(b) the loan is assigned simultaneously to the mortgage lender providing the funding not later than one (1) business day after the funding of the loan.

**Sec. 105. As used in this chapter, "creditor" means a person:**

(a) who regularly engages in the extension of first lien mortgage transactions that are subject to a credit service charge or loan finance charge, as applicable, or are payable by written agreement in more than four (4) installments (not including a down payment); and

(b) to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is not a note or contract.

**The term does not include a person who is initially payable as mortgagee in a table funding transaction.**

**Sec. 106. Unless a person:**

(a) is:

(i) a supervised financial organization (as defined in IC 24-4.5-1-301(20));

(ii) a collection agency licensed under IC 25-11-1; or

(b) has first obtained a license from the department under this chapter;

**the person shall not regularly engage in Indiana as a creditor in first lien mortgage transactions. If a person violates this section, IC 24-4.5-4.5-202(2) applies to any first lien mortgage transaction resulting from the violation.**

**Sec. 107. To become licensed under this chapter, a person must comply with the licensing requirements set forth in IC 24-4.5-3-503.**

**Sec. 108. (1) An applicant for a license under this chapter is subject to a license application fee established by the department under IC 28-11-3-5.**

**(2) A person licensed under this chapter is subject to:**

**(1) license renewal fees established by the department under IC 28-11-3-5; and**

**(2) examination fees established by the department under IC 28-11-3-5 to fund the department's regulation of the person's first lien mortgage business."**

Delete pages 62 through 64.

Page 65, delete lines 1 through 40.

Page 72, line 21, delete "of:" and insert "**of IC 24-9 (concerning home loans)**".

Page 72, delete lines 22 through 23.

Page 72, run in lines 21 through 24.

Page 77, line 9, delete "reasonable grounds for determining that" and insert "**first conducting**".

Page 77, delete line 10.

Page 77, line 11, delete "on".

Page 77, run in lines 9 through 11.

Page 77, line 19, delete "for a determination made under this section,".

Page 77, line 19, after "borrower" delete "for".

Page 77, delete line 20.

Page 77, line 21, delete "this section later defaults on the" and insert "**later defaults on a**".

Page 77, delete lines 23 through 42.

Page 78, delete lines 1 through 4.

Page 78, line 15, delete "A creditor, a servicer, or the creditor's agent shall respond" and insert "**This subsection applies to a home loan with respect to which any installment or minimum payment due is delinquent for at least ten (10) days. The creditor, servicer, or the creditor's agent shall acknowledge**".

Page 78, line 16, delete "to".

Page 78, line 17, delete "calendar" and insert "**business**".

Page 78, line 17, after "offer." insert "**The creditor, servicer, or creditor's agent is required to acknowledge a written offer made in connection with a proposed short sale from a third party acting on behalf of the debtor only if the debtor has provided written authorization for the creditor, servicer, or creditor's agent to do so. Not later than twenty (20) business days after receipt of an offer under this subsection, the creditor, servicer, or creditor's agent shall respond to the offer with an acceptance or a rejection of the offer.**".

Page 78, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 46. IC 24-9-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) A creditor may not make a high cost home loan without regard to repayment ability.

(b) If a creditor presents evidence that the creditor:

**(1) followed commercially reasonable practices in determining the borrower's debt to income ratio; and**

**(2) conducted a reasonable inquiry into a prospective borrower's creditworthiness under IC 24-9-3-1.1;**

there is a rebuttable presumption that the creditor made the high cost home loan with due regard to repayment ability. For purposes of this section, there is a rebuttable presumption that the borrower's statement of income provided to the creditor is true and complete:

(c) For purposes of subsection (b)(1), commercially reasonable practices include the use of:

(1) the debt to income ratio:

(A) listed in 38 CFR 36.4337(c)(1); and

(B) defined in 38 CFR 36.4337(d); and

(2) the residual income guidelines established under:

(A) 38 CFR 36.4337(e); and

(B) United States Department of Veterans Affairs form 26-6393."

Page 79, delete lines 1 through 28.

Page 83, line 5, delete "However, if".

Page 83, delete lines 6 through 16.

Page 83, delete lines 20 through 42.

Delete page 84.

Page 85, delete lines 1 through 35.

Page 85, line 38, after "to" insert "**file, submit, or**".

Page 85, delete line 42.

Page 86, delete lines 1 through 5.

Page 86, line 9, delete "determination that a home loan is suitable for a" and insert "**reasonable inquiry into a prospective borrower's creditworthiness.**".

Page 86, delete line 10.

Page 87, delete lines 38 through 42.

Page 88, delete lines 1 through 9.

Page 90, delete lines 3 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1360 as printed January 25, 2008.)

BARDON

Motion prevailed.

#### HOUSE MOTION (Amendment 1360-3)

Mr. Speaker: I move that House Bill 1360 be amended to read as follows:

Page 79, line 35, delete "to:" and insert "**to**".

Page 79, line 36, delete "(1)".

Page 79, run in lines 35 through 36.

Page 79, line 40, delete "amended;" and insert "**amended**".

Page 79, delete lines 41 through 42.

Page 80, delete lines 1 through 4.

Page 80, line 19, delete "Not" and insert "**(a) Subject to subsection (b), not**".

Page 80, between lines 28 and 29, begin a new paragraph and insert:

**(b) A borrower may waive the right to receive the closing documents with respect to a home loan by providing a written notice of waiver to the settlement service provider at or before the time of closing.**

**(c) If the terms of the home loan set forth in the closing documents made available to the borrower under subsection (a) differ from the terms of the home loan presented to the borrower at the time of the closing, the borrower is entitled to delay or reschedule the closing without penalty and without forfeiting the right to enter into the loan or, in the case of a purchase money home loan, into the purchase contract. For purposes of this subsection, "terms", with respect to a home loan, include any of the following:**

**(1) The total loan amount.**

**(2) The loan's rate, including the trigger rate.**

**(3) Points and fees.**

**(4) Payment amounts and schedules.**

**(5) The term or duration of the loan.**

**(6) Prepayment penalties, if any.**

**(7) Acceleration provisions.**

**(8) Servicing of the loan.**

**(9) Other provisions concerning the rights and responsibilities of the parties to the home loan.**

**Sec. 6. (a) A settlement service provider is subject to a civil penalty of twenty-five dollars (\$25) for each instance in which the settlement service provider fails to:**

**(1) provide a prospective borrower with the notice required by section 4 of this chapter; or**

**(2) make closing documents available to a borrower as required by section 5 of this chapter, unless the borrower has waived the borrower's right to receive**

the closing documents under section 5(b) of this chapter.

**(b) A penalty described in subsection (a):**

**(1) may be enforced by the state agency that has administrative jurisdiction over the settlement service provider in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and**

**(2) shall be paid into the property tax replacement fund.**

**(c) A settlement service provider is not liable for any other damages claimed by a customer because of the closing agent's failure to comply with this chapter."**

(Reference is to HB 1360 as printed January 25, 2008.)

MURPHY

Motion prevailed. The bill was ordered engrossed.

## House Bill 1293

Representative GiaQuinta called down House Bill 1293 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1293-2)

Mr. Speaker: I move that House Bill 1293 be amended to read as follows:

Page 2, line 21, delete "December 31" and insert "**November 1**".

Page 2, between lines 23 and 24, begin a new line block indented and insert:

**"(18) Whether the transferee claims one (1) or more deductions under IC 6-1.1-12-44."**

Page 2, line 24, delete "(18)" and insert "**(19)**".

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-12-2, AS AMENDED BY P.L.183-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 2. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided by section 1 of this chapter must file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~June 1~~ **November 1** of each year for which the person wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property. Upon receipt of the statement and the recorded contract or recorded memorandum of the contract, the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury, and the statement must contain the following information:

(1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which

the deduction is claimed.

(2) The assessed value of the real property, mobile home, or manufactured home.

(3) The full name and complete residence address of the person and of the mortgagee or contract seller.

(4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.

(5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.

(6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.

(7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.

(8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(c) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

SECTION 3. IC 6-1.1-12-4, AS AMENDED BY P.L.154-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 4. (a) An individual who satisfies the requirements of section 3 of this chapter may file a claim for a deduction, or deductions, provided by section 1 of this chapter during the twelve (12) months before ~~June 1~~ **November 1** of the year following the year in which the individual is discharged from military service. The individual shall file the claim, on the forms prescribed for claiming a deduction under section 2 of this chapter, with the auditor of the county in which the real property is located. The claim shall specify the particular year, or years, for which the deduction is claimed. The individual shall attach to the claim an affidavit which states the facts concerning the individual's absence as a member of the United States armed forces.

(b) The county property tax assessment board of appeals shall examine the individual's claim and shall determine the amount of deduction, or deductions, the individual is entitled to and the year, or years, for which deductions are due. Based on the board's determination, the county auditor shall calculate the excess taxes paid by the individual and shall refund the excess to the individual from funds not otherwise appropriated. The county auditor shall issue, and the county treasurer shall pay, a warrant for the amount, if any, to which the individual is entitled.

SECTION 4. IC 6-1.1-12-10.1, AS AMENDED BY P.L.183-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~June 1~~ **November 1** of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last

day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) the source and exact amount of gross income received by the individual and the individual's spouse during the preceding calendar year;
- (2) the description and assessed value of the real property, mobile home, or manufactured home;
- (3) the individual's full name and complete residence address;
- (4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and
- (5) any additional information which the department of local government finance may require.

(c) In order to substantiate the deduction statement, the applicant shall submit for inspection by the county auditor a copy of the applicant's and a copy of the applicant's spouse's income tax returns for the preceding calendar year. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 5. IC 6-1.1-12-12, AS AMENDED BY P.L.183-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before ~~June 1~~ **November 1** of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family resources, or the division of disability and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 6. IC 6-1.1-12-15, AS AMENDED BY P.L.183-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~June 1~~

**November 1** of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 7. IC 6-1.1-12-17, AS AMENDED BY P.L.183-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 17. Except as provided in section 17.8 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~June 1~~ **November 1** of each year for which the surviving spouse wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and
- (2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 8. IC 6-1.1-12-17.5, AS AMENDED BY P.L.183-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn

statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must file the statement during the twelve (12) months before ~~June 1~~ **November 1** of each year for which the veteran wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) a description and the assessed value of the real property, mobile home, or manufactured home;
- (2) the veteran's full name and complete residence address;
- (3) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and
- (4) any additional information which the department of local government finance may require.

SECTION 9. IC 6-1.1-12-17.8, AS AMENDED BY P.L.95-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 17.8. (a) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who remains eligible for the deduction in the following year is not required to file a statement to apply for the deduction in the following year.

(b) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the real property, mobile home, or manufactured home for which the individual claims the deduction is located of the individual's ineligibility before ~~June 1~~ **November 1** of the year in which the individual becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter to each individual who received the deduction in the preceding year unless the auditor determines that the individual is no longer eligible for the deduction.

(d) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the deduction in the following year is not required to file a statement to reapply for the deduction following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of the property in a divorce decree.

(e) A trust entitled to a deduction under section 9, 11, 13, 14, 16, or 17.4 of this chapter for real property owned by the trust and occupied by an individual in accordance with section 17.9 of this chapter is not required to file a statement to apply for the deduction, if:

- (1) the individual who occupies the real property receives a deduction provided under section 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year; and
- (2) the trust remains eligible for the deduction in the following year.

SECTION 10. IC 6-1.1-12-20, AS AMENDED BY P.L.154-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~June 1~~ **November 1** of the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before ~~May 1~~ **October 1** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (2) statements of the ownership of the property;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the number of dwelling units on the property;
- (5) the number of dwelling units rehabilitated;
- (6) the increase in assessed value resulting from the rehabilitation; and
- (7) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 11. IC 6-1.1-12-24, AS AMENDED BY P.L.154-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~June 1~~ **November 1** of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before ~~May 1~~ **October 1** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) the name of the property owner;
- (2) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (3) the assessed value of the improvements on the property before rehabilitation;

- (4) the increase in the assessed value of improvements resulting from the rehabilitation; and
- (5) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application being filed.

(e) On verification of the correctness of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 12. IC 6-1.1-12-27.1, AS AMENDED BY P.L.183-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 27.1. Except as provided in section 36 or 44 of this chapter, a person who desires to claim the deduction provided by section 26 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement during the twelve (12) months before ~~June~~ **November 1** of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 13. IC 6-1.1-12-30, AS AMENDED BY P.L.183-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 30. Except as provided in section 36 or 44 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement during the twelve (12) months before ~~June~~ **November 1** of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 14. IC 6-1.1-12-35.5, AS AMENDED BY P.L.183-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 35.5. (a) Except as provided in section 36 or 44 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before June 11 of the assessment year **with respect to the deduction provided under section 31 or 34.5 of this chapter, and before November 1 of the assessment year with respect to the deduction provided under section 33 or 34 of this chapter.** The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before March 31

of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification before ~~May~~ **October 1** of the assessment year, the department shall determine whether the system or device qualifies for a deduction before ~~June~~ **November 1** of the assessment year. If the department fails to make a determination under this subsection before ~~June~~ **November 1** of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) during the twelve (12) months before June 11 of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 21-47-4-1, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before May 11 of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before June 11 of the assessment year; and
- (2) if the center fails to make a determination before June 11 of the assessment year, the building is considered certified.

SECTION 15. IC 6-1.1-12-38, AS AMENDED BY P.L.154-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

- (1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11; minus
- (2) the assessed value of the person's property, excluding

the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11. The statement and certification must be filed before ~~June 1~~ **November 1** of the year preceding the year the deduction will first be applied. Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, the county auditor shall allow the deduction.

SECTION 16. IC 6-1.1-12-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 44. (a) A sales disclosure form under IC 6-1.1-5.5:**

- (1) that is submitted on or before November 1 of a calendar year to the county assessor by or on behalf of the purchaser of a homestead assessed as real property;**
- (2) that is accurate and complete;**
- (3) that is stamped by the county assessor as eligible for filing with the county auditor; and**
- (4) that is filed with the county auditor by or on behalf of the purchaser;**

constitutes an application for the deductions provided by sections 26, 29, 33, and 34 of this chapter with respect to property taxes first due and payable in the calendar year that immediately succeeds the calendar year referred to in subdivision (1). A sales disclosure form submitted after November 1 of a calendar year constitutes an application for the deductions provided by sections 26, 29, 33, and 34 of this chapter with respect to property taxes first due and payable in the calendar year that succeeds by two (2) years the calendar year referred to in subdivision (1).

(b) Except as provided in subsection (c), if:

- (1) the county auditor receives in a calendar year a sales disclosure form that meets the requirements of subsection (a); and**
- (2) the homestead for which the sales disclosure form is submitted is otherwise eligible for a deduction referred to in subsection (a);**

the county auditor shall apply the deduction to the homestead for property taxes first due and payable in the calendar year for which the homestead qualifies under subsection (a) and in any later year in which the homestead remains eligible for the deduction.

(c) Subsection (b) does not apply if the county auditor, after receiving a sales disclosure form from or on behalf of a purchaser under subsection (a)(4), determines that the homestead is ineligible for the deduction.

SECTION 17. IC 6-1.1-12-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 45. A person complies with a law that requires the person to own property or be purchasing property in order to be eligible for a deduction granted under this chapter for a particular assessment date only if the person owns or is purchasing the property on November 1 in the year:**

- (1) containing the assessment date, if the property is assessed as real property; or**
- (2) immediately preceding the year containing the assessment date, if the property is assessed as personal**

**property."**

Page 3, line 15, delete "either or both" and insert "**any or a combination**".

Page 3, between lines 23 and 24, begin a new line block indented and insert:

**"(3) Deductions that result from the granting of applications for deductions for the calendar year under IC 6-1.1-12-44 after the county auditor certifies assessed value as described in this section.**

**Not later than December 31 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and to the department of local government finance. The certified statement must list any adjustments to the amount of the reduction under this subsection and the information submitted under section 1 of this chapter that are necessary as the result of processing homestead credit applications and deduction applications that are filed after June 10 and before November 1 of the year."**

Page 4, line 5, strike "who".

Page 4, line 7, delete "is liable for".

Page 4, line 7, after "for" strike "the".

Page 4, line 8, strike "property taxes on".

Page 4, line 8, after "the" delete "a".

Page 4, line 8, strike "homestead".

Page 4, line 9, strike "which the individual pays" and insert "**that are imposed**".

Page 4, line 10, delete "." and insert "**whenever the property is the individual's homestead on November 1 in the year containing the assessment date, if the property is assessed as real property, or on November 1 in the year immediately preceding the year containing the assessment date, if the property is assessed as personal property.**".

Page 5, line 6, delete "January 15 of the immediately" and insert "**November 15 of that**".

Page 5, line 7, delete "succeeding".

Page 5, line 34, delete "December 31" and insert "**November 1**".

Page 6, line 30, delete "during" and insert "**on or before November 1 of**".

Page 6, line 31, after "by" insert "**or on behalf of**".

Page 6, line 36, after "by" insert "**or on behalf of**".

Page 6, line 39, delete "December 31" and insert "**November 1**".

Page 6, line 42, delete "chapter." and insert "**chapter with respect to property taxes first due and payable in the calendar year that immediately succeeds the calendar year referred to in subdivision (1). A sales disclosure form submitted after November 1 of a calendar year constitutes an application for the credit provided by section 2 of this chapter with respect to property taxes first due and payable in the calendar year that succeeds by two (2) years the calendar year referred to in subdivision (1).**".

Page 7, line 10, delete "immediately succeeding".

Page 7, line 10, after "calendar year" insert "**for which the homestead qualifies under subsection (a)**".

Page 7, line 13, delete "submits" and insert "**submits, or has submitted on the purchaser's behalf,**".

Page 7, line 16, delete "December 31" and insert "**November 1**".

Page 7, line 20, delete "December 31." and insert "**November 1**".

Page 7, line 25, after "from" insert "**or on behalf of**".

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 23. IC 6-1.1-21-4, AS AMENDED BY P.L.234-2007, SECTION 297, AND AS AMENDED BY P.L.219-2007, SECTION 62, IS CORRECTED AND



AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

- (1) each county's total eligible property tax replacement amount for that year; plus
- (2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus
- (3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the subdivision (1) amount that is attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; times
- (B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(b) Except as provided in subsection (e), between March 1 and August 31 of each year, the department shall distribute to each county treasurer from the property tax replacement fund one-half ( $\frac{1}{2}$ ) of the estimated distribution for that year for the county. Between September 1 and December 15 of that year, the department shall distribute to each county treasurer from the property tax replacement fund the remaining one-half ( $\frac{1}{2}$ ) of each estimated distribution for that year. The amount of the distribution for each of these periods shall be according to a schedule determined by the property tax replacement fund board under section 10 of this chapter. The estimated distribution for each county may be adjusted from time to time by the department to reflect any changes in the total county tax levy upon which the estimated distribution is based.

(c) On or before December 31 of each year or as soon thereafter as possible, the department shall make a final determination of the amount which should be distributed from the property tax replacement fund to each county for that calendar year. This determination shall be known as the final determination of distribution. The department shall distribute to the county treasurer or, *except as provided in section 9 of this chapter*, receive back from the county treasurer any deficit or excess, as the case may be, between the sum of the distributions made for that calendar year based on the estimated distribution and the final determination of distribution. The final determination of distribution shall be based on the auditor's abstract filed with the auditor of state, adjusted for postabstract adjustments included in the December settlement sheet for the year, and such additional information as the department may require.

(d) All distributions provided for in this section shall be made on warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to

the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) Except as provided in subsection (g) and subject to subsection (h), the department shall not distribute under subsection (b) and section 10 of this chapter a percentage, determined by the department, of the money that would otherwise be distributed to the county under subsection (b) and section 10 of this chapter if:

- (1) **subject to subsection (j)**, by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;
- (2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section;
- (3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);
- (4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure ~~forms~~ *form data* under ~~IC 6-1.1-5.5-3(b);~~ *IC 6-1.1-5.5-3(h);*
- (5) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);
- (6) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;
- (7) the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b);
- (8) the county has not established a parcel index numbering system under 50 IAC 12-15-1 in a timely manner; or
- (9) a township or county official has not provided other information to the department of local government finance in a timely manner as required by the department.

(f) Except as provided in subsection (i), money not distributed for the reasons stated in subsection (e) shall be distributed to the county when the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

has been corrected.

(g) The restrictions on distributions under subsection (e) do not apply if the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(h) The department shall give the county auditor at least thirty (30) days notice in writing before withholding a distribution under subsection (e).

(i) Money not distributed for the reason stated in subsection (e)(6) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (f).

**(j) The county auditor is considered to have complied with the requirement of subsection (e)(1) regardless of whether the information included in the certified statement required to be sent by the county auditor under IC 6-1.1-17-1 changes after the deadline for sending the statement as a result of credit and deduction applications filed under IC 6-1.1-20.9-3.5 and IC 6-1.1-12-44."**

Page 9, line 23, after "equal" insert "to".

Page 10, between lines 16 and 17, begin a new paragraph and insert:

**"Sec. 13. The amount of a credit claimed under this chapter may not exceed a taxpayer's state tax liability. A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit."**

Page 10, line 17, delete "13" and insert "14".

Page 10, line 20, delete "14" and insert "15".

Page 18, line 2, after "(RETROACTIVE)]" insert  
**"IC 6-1.1-12-2, IC 6-1.1-12-4, IC 6-1.1-12-10.1, IC 6-1.1-12-12, IC 6-1.1-12-15, IC 6-1.1-12-17, IC 6-1.1-12-17.5, IC 6-1.1-12-17.8, IC 6-1.1-12-20, IC 6-1.1-12-24, IC 6-1.1-12-27.1, IC 6-1.1-12-30, IC 6-1.1-12-35.5, IC 6-1.1-12-38,"**

Page 18, line 4, delete "IC 6-1.1-20.9-3.5," and insert  
**"IC 6-1.1-20.9-3.5, IC 6-1.1-12-44, and IC 6-1.1-12-45, all"**

Page 18, between lines 5 and 6, begin a new paragraph and insert:

**"SECTION 29. [EFFECTIVE UPON PASSAGE] (a) Before July 1, 2008, the department of local government finance shall prescribe a sales disclosure form under IC 6-1.1-5.5-5, as amended by this act, that reflects the requirements of this act.**

**(b) This SECTION expires July 1, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1293 as printed January 25, 2008.)

GIA QUINTA

Motion prevailed. The bill was ordered engrossed.

## House Bill 1297

Representative Hinkle called down House Bill 1297 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1297-1)

Mr. Speaker: I move that House Bill 1297 be amended to read as follows:

Page 4, line 3, after ";" insert "and".

Page 4, delete line 4.

Page 4, line 5, delete "(3)" and insert "(2)".

Page 5, delete lines 32 through 42, begin a new line block indented and insert:

**"(1) A report of the salaries of city and town officers, deputies, and other employees as follows:**

**(A) The fiscal officer of a consolidated city shall publish the salaries of:**

**(i) elected officials; and**

**(ii) those officers, deputies, and employees receiving an annual salary of at least sixty thousand dollars (\$60,000).**

**(B) The fiscal officer of a second class city shall publish the salaries of:**

**(i) elected officials; and**

**(ii) those officers, deputies, and employees receiving an annual salary of at least forty-five thousand dollars (\$45,000).**

**(C) The fiscal officer of a third class city or a town shall publish the salaries of:**

**(i) elected officials; and**

**(ii) those officers, deputies, and employees receiving an annual salary of at least thirty thousand dollars (\$30,000)."**

Page 6, delete lines 1 through 3.

Page 6, line 12, after "(\$2,500)." insert **"For the purposes of this subdivision, a vendor does not include an entity receiving a debt service payment."**

Page 6, delete lines 27 through 33, begin a new line block indented and insert:

**"(4) A listing of positions that receive an extracurricular salary or stipend for school activities that exceeds one thousand dollars (\$1,000). The listing must include the:**

**(A) title of the position; and**

**(B) total amount received for that position."**

Page 8, delete lines 14 through 16, begin a new line block indented and insert:

**"(1) A report of the salaries of the political subdivision's:**

**(A) elected officials; and**

**(B) those officers, deputies, and employees receiving an annual salary of at least thirty thousand dollars (\$30,000)."**

Page 8, line 25, after "(\$2,500)." insert **"For the purposes of this subdivision, a vendor does not include an entity receiving a debt service payment."**

Page 9, line 1, strike "The notice shall be posted:".

Page 9, strike lines 2 through 10.

Page 15, line 39, after "sufficient." insert **"Payment for publication is due no sooner than the day after the advertised date of the sale."**

Page 16, delete lines 39 through 42, begin a new line double block indented and insert:

**"(A) The executive of a county containing a consolidated city shall publish the salaries of:**

**(i) elected officials; and**

**(ii) those officers, deputies, and employees receiving an annual salary of at least sixty thousand dollars (\$60,000).**

**(B) The executive of a county containing a second class city shall publish the salaries of:**

**(i) elected officials; and**

**(ii) those officers, deputies, and employees receiving an annual salary of at least forty-five thousand dollars (\$45,000).**

**(C) The executive of a county containing a third class city or town shall publish the salaries of:**

**(i) elected officials; and**

**(ii) those officers, deputies, and employees receiving an annual salary of at least thirty thousand dollars (\$30,000)."**

Page 17, delete lines 1 through 8.

Page 17, line 17, after "(\$2,500)." insert **"For purposes of this subdivision, a vendor does not include an entity receiving a debt service payment."**

(Reference is to HB 1297 as printed January 25, 2008.)

HINKLE

Motion prevailed. The bill was ordered engrossed.

## House Bill 1292

Representative Bartlett called down House Bill 1292 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## House Bill 1323

Representative Fry called down House Bill 1323 for second reading. The bill was read a second time by title.

Representative Fry withdrew the call of House Bill 1323.

## House Bill 1020

Representative Welch called down House Bill 1020 for second reading. The bill was read a second time by title.

Representative Welch withdrew the call of House Bill 1020.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1140

Representative Murphy called down Engrossed House Bill 1140 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 83, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Simpson, and Miller.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

### Engrossed House Bill 1153

Representative Tyler called down Engrossed House Bill 1153 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 62, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks and Arnold.

### Engrossed House Bill 1174

Representative Duncan called down Engrossed House Bill 1174 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, Jackman, and Lewis.

### Engrossed House Bill 1183

Representative Dvorak called down Engrossed House Bill 1183 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 89, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Becker.

### Engrossed House Bill 1193

Representative Simms called down Engrossed House Bill 1193 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Tallian.

### Engrossed House Bill 1269

Representative Niezgodski called down Engrossed House Bill 1269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 58, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Drozda, Tallian, Arnold, Broden, and Deig.

### Engrossed House Bill 1209

Representative V. Smith called down Engrossed House Bill 1209 for third reading:

A BILL FOR AN ACT concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman, Dillon, S. Smith, and Tallian.

### Engrossed House Bill 1210

Representative V. Smith called down Engrossed House Bill 1210 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 67, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Sipes and Rogers.

The Speaker Pro Tempore yielded the gavel to the Speaker.

### Engrossed House Bill 1213

Representative Bartlett called down Engrossed House Bill 1213 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

### Engrossed House Bill 1219

Representative Tyler called down Engrossed House Bill 1219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 56, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

#### **Engrossed House Bill 1220**

Representative Dobis called down Engrossed House Bill 1220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 55, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Tallian, and Kenley.

#### **Engrossed House Bill 1224**

Representative VanHaaften called down Engrossed House Bill 1224 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 82, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks and Becker.

#### **Engrossed House Bill 1244**

Representative Candelaria Reardon called down Engrossed House Bill 1244 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

#### **Engrossed House Bill 1249**

Representative Klinker called down Engrossed House Bill 1249 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Alting, Tallian, and Paul.

#### **Engrossed House Bill 1203**

Representative Pflum called down Engrossed House Bill 1203

for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Skinner.

#### **Engrossed House Bill 1253**

Representative Saunders called down Engrossed House Bill 1253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 117: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Boots.

#### **Engrossed House Bill 1259**

Representative VanDenburgh called down Engrossed House Bill 1259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 118: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Breaux, and Howard.

#### **Engrossed House Bill 1266**

Representative Klinker called down Engrossed House Bill 1266 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker, Simpson, Miller, and Rogers.

#### **Engrossed House Bill 1271**

Representative Stemler called down Engrossed House Bill 1271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 84, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Sipes.

With consent of the members, the Speaker returned to bills on second reading.

## HOUSE BILLS ON SECOND READING

### House Joint Resolution 1

Representative Crawford called down House Joint Resolution 1 for second reading. The joint resolution was read a second time by title.

#### HOUSE MOTION (Amendment 1-17)

Mr. Speaker: I move that House Bill 1 be amended to read as follows:

Page 2, strike lines 12 through 18.

Page 2, after line 40, begin a new paragraph and insert:

**"(i) Homestead property is exempt from property taxation.**

**SECTION 3. SCHEDULE. (a) Article 10, Section 1(h) of the Constitution of the State of Indiana, as amended by this amendment, first applies to property taxes first due and payable in the year that immediately follows the date that the proposed amendment is agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question.**

**(b) The elimination of Article 10, Section 1(c)(4) of the Constitution of the State of Indiana by this amendment does not terminate any exemptions, deductions, or credits applicable by law to property taxes first due and payable in the year described in subsection (a).**

**(c) Article 10, Section 1(i) of the Constitution of the State of Indiana, as amended by this amendment, first applies to property taxes first due and payable in the year following the year described in subsection (a)."**

(Reference is to HJR 1 as printed January 25, 2008.)

T. HARRIS

Representative Crawford withdrew the call of House Joint Resolution 1.

### OTHER BUSINESS ON THE SPEAKER'S TABLE

#### HOUSE MOTION

Mr. Speaker: I move that Representatives T. Harris and L. Lawson be added as coauthors of House Bill 1013.

KERSEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1036.

ULMER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as coauthor of House Bill 1062.

DAY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1083.

KERSEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1097.

HOY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Steuerwald and Richardson be added as coauthors of House Bill 1134.

VAN DENBURGH

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1187.

L. LAWSON

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Bosma be added as coauthor of House Bill 1245.

AUSTIN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1246.

AUSTIN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Battles and Kersey be added as coauthors of House Bill 1273.

TINCHER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be added as coauthor of House Bill 1284.

FRY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1293.

GIA QUINTA

Motion prevailed.

On the motion of Representative Pelath, the House adjourned at 10:10 p.m., this twenty-ninth day of January, 2008, until Wednesday, January 30, 2008, at 9:30 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives